



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6595

by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

See Index

Amends the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, and the Unified Code of Corrections. Lowers penalties for the manufacture, delivery, possession with intent to manufacture or deliver, trafficking and possession of cannabis, controlled substances, and methamphetamine. Eliminates mandatory sentences of imprisonment for the manufacture, delivery, possession with intent to manufacture or deliver, trafficking and possession of these drugs, Eliminates extended term sentences, habitual criminal status, and Class X sentencing for violations of the Cannabis Control Act, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act.

LRB099 14972 RLC 40047 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Cannabis Control Act is amended by changing
5 Sections 4, 5, 5.1, 5.2, 7, and 8 as follows:

6 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

7 Sec. 4. It is unlawful for any person knowingly to possess
8 cannabis. Any person who violates this section with respect to:

9 (a) not more than 30 ~~2.5~~ grams of any substance
10 containing cannabis is guilty of a civil law violation for
11 which a court shall impose a fine not to exceed \$125 ~~Class~~
12 ~~C misdemeanor;~~

13 (b) (blank) ~~more than 2.5 grams but not more than 10~~
14 ~~grams of any substance containing cannabis is guilty of a~~
15 ~~Class B misdemeanor;~~

16 (c) (blank) ~~more than 10 grams but not more than 30~~
17 ~~grams of any substance containing cannabis is guilty of a~~
18 ~~Class A misdemeanor; provided, that if any offense under~~
19 ~~this subsection (c) is a subsequent offense, the offender~~
20 ~~shall be guilty of a Class 4 felony;~~

21 (d) more than 30 grams but not more than 500 grams of
22 any substance containing cannabis is guilty of a Class A
23 misdemeanor ~~4 felony; provided that if any offense under~~

1 ~~this subsection (d) is a subsequent offense, the offender~~
2 ~~shall be guilty of a Class 3 felony;~~

3 (e) more than 500 grams but not more than 2,000 grams
4 of any substance containing cannabis is guilty of a Class 4
5 ~~3~~ felony;

6 (f) more than 2,000 grams but not more than 5,000 grams
7 of any substance containing cannabis is guilty of a Class 3
8 ~~2~~ felony;

9 (g) more than 5,000 grams of any substance containing
10 cannabis is guilty of a Class 2 ~~1~~ felony.

11 (Source: P.A. 90-397, eff. 8-15-97.)

12 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

13 Sec. 5. It is unlawful for any person knowingly to
14 manufacture, deliver, or possess with intent to deliver, or
15 manufacture, cannabis. Any person who violates this section
16 with respect to:

17 (a) not more than 10 ~~2.5~~ grams of any substance containing
18 cannabis is guilty of a Class B misdemeanor;

19 (b) (blank) ~~more than 2.5 grams but not more than 10 grams~~
20 ~~of any substance containing cannabis is guilty of a Class A~~
21 ~~misdemeanor;~~

22 (c) more than 10 grams but not more than 30 grams of any
23 substance containing cannabis is guilty of a Class A
24 misdemeanor ~~4~~ felony;

25 (d) more than 30 grams but not more than 500 grams of any

1 substance containing cannabis is guilty of a Class 4 ~~3~~ felony
2 for which a fine not to exceed \$50,000 may be imposed;

3 (e) more than 500 grams but not more than 2,000 grams of
4 any substance containing cannabis is guilty of a Class 3 ~~2~~
5 felony for which a fine not to exceed \$100,000 may be imposed;

6 (f) more than 2,000 grams ~~but not more than 5,000 grams~~ of
7 any substance containing cannabis is guilty of a Class 2 ~~1~~
8 felony for which a fine not to exceed \$150,000 may be imposed;

9 (g) (blank). ~~more than 5,000 grams of any substance~~
10 ~~containing cannabis is guilty of a Class 2 X felony for which a~~
11 ~~fine not to exceed \$200,000 may be imposed.~~

12 (Source: P.A. 90-397, eff. 8-15-97.)

13 (720 ILCS 550/5.1) (from Ch. 56 1/2, par. 705.1)

14 Sec. 5.1. Cannabis Trafficking. (a) Except for purposes
15 authorized by this Act, any person who knowingly brings or
16 causes to be brought into this State for the purpose of
17 manufacture or delivery or with the intent to manufacture or
18 deliver 2,500 grams or more of cannabis in this State or any
19 other state or country is guilty of cannabis trafficking.

20 (a-5) A person convicted of cannabis trafficking shall be
21 sentenced as authorized by Section 5 of this Act, based upon
22 the amount of the cannabis brought or caused to be brought into
23 this State, if the person at sentencing proves by a
24 preponderance of the evidence that he or she:

25 (1) received little or no compensation from the illegal

1 transport of the cannabis into this State and had minimal
2 knowledge of the scope and structure of the enterprise to
3 manufacture or deliver the cannabis transported; or

4 (2) was not involved in the organization or planning of
5 the enterprise to manufacture or deliver the cannabis
6 transported.

7 (b) Except as otherwise provided in subsection (a-5) of
8 this Section, a ~~A~~ person convicted of cannabis trafficking is
9 guilty of a Class 1 felony ~~shall be sentenced to a term of~~
10 ~~imprisonment not less than twice the minimum term and fined an~~
11 ~~amount as authorized by subsection (f) or (g) of Section 5 of~~
12 ~~this Act, based upon the amount of cannabis brought or caused~~
13 ~~to be brought into this State, and not more than twice the~~
14 ~~maximum term of imprisonment and fined twice the amount as~~
15 ~~authorized by subsection (f) or (g) of Section 5 of this Act,~~
16 ~~based upon the amount of cannabis brought or caused to be~~
17 ~~brought into this State.~~

18 (Source: P.A. 90-397, eff. 8-15-97.)

19 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

20 Sec. 5.2. Delivery of cannabis on school grounds.

21 (a.01) Any person who violates subsection (f) of Section 5
22 in any school, on the real property comprising any school, or
23 any conveyance owned, leased or contracted by a school to
24 transport students to or from school or a school-related
25 activity, or on any public way within 500 feet of the real

1 property comprising any school, or any conveyance owned, leased
2 or contracted by a school to transport students to or from
3 school or a school-related activity, is guilty of a Class 1
4 felony;

5 (a) Any person who violates subsection (e) of Section 5 in
6 any school, on the real property comprising any school, or any
7 conveyance owned, leased or contracted by a school to transport
8 students to or from school or a school-related ~~school-related~~
9 activity, or on any public way within 500 ~~1,000~~ feet of the
10 real property comprising any school, or any conveyance owned,
11 leased or contracted by a school to transport students to or
12 from school or a school-related ~~school-related~~ activity, is
13 guilty of a Class 2 ~~1~~ felony, the fine for which shall not
14 exceed \$200,000;

15 (b) Any person who violates subsection (d) of Section 5 in
16 any school, on the real property comprising any school, or any
17 conveyance owned, leased or contracted by a school to transport
18 students to or from school or a school-related ~~school-related~~
19 activity, or on any public way within 500 ~~1,000~~ feet of the
20 real property comprising any school, or any conveyance owned,
21 leased or contracted by a school to transport students to or
22 from school or a school-related ~~school-related~~ activity, is
23 guilty of a Class 3 ~~2~~ felony, the fine for which shall not
24 exceed \$100,000;

25 (c) Any person who violates subsection (c) of Section 5
26 with respect to more than 15 grams of any substance containing

1 cannabis in any school, on the real property comprising any
2 school, or any conveyance owned, leased or contracted by a
3 school to transport students to or from school or a
4 school-related ~~school-related~~ activity, or on any public way
5 within 500 ~~1,000~~ feet of the real property comprising any
6 school, or any conveyance owned, leased or contracted by a
7 school to transport students to or from school or a
8 school-related ~~school-related~~ activity, is guilty of a Class 4
9 ~~3~~ felony, the fine for which shall not exceed \$50,000;

10 (d) (Blank) ~~Any person who violates subsection (b) of~~
11 ~~Section 5 in any school, on the real property comprising any~~
12 ~~school, or any conveyance owned, leased or contracted by a~~
13 ~~school to transport students to or from school or a school~~
14 ~~related activity, or on any public way within 1,000 feet of the~~
15 ~~real property comprising any school, or any conveyance owned,~~
16 ~~leased or contracted by a school to transport students to or~~
17 ~~from school or a school related activity, is guilty of a Class~~
18 ~~4~~ felony, the fine for which shall not exceed \$25,000;

19 (e) (Blank) ~~Any person who violates subsection (a) of~~
20 ~~Section 5 in any school, on the real property comprising any~~
21 ~~school, or any conveyance owned, leased or contracted by a~~
22 ~~school to transport students to or from school or a school~~
23 ~~related activity, on any public way within 1,000 feet of the~~
24 ~~real property comprising any school, or any conveyance owned,~~
25 ~~leased or contracted by a school to transport students to or~~
26 ~~from school or a school related activity, is guilty of a Class~~

1 ~~A misdemeanor.~~

2 (Source: P.A. 87-544.)

3 (720 ILCS 550/7) (from Ch. 56 1/2, par. 707)

4 Sec. 7. Delivery of cannabis by a person at least 18 years
5 of age to a person under 18 years of age who is at least 3 years
6 his or her junior.

7 (a) Any person who is at least 18 years of age who violates
8 subsection (f) of Section 5 of this Act by delivering cannabis
9 to a person under 18 years of age who is at least 3 years his
10 junior may, at the discretion of the court, be sentenced to a
11 maximum term of imprisonment that is equal to the maximum term
12 of imprisonment for the underlying offense plus the minimum
13 term of imprisonment for the underlying offense.

14 ~~may be sentenced to imprisonment for a term up to twice the~~
15 ~~maximum term otherwise authorized by Section 5.~~

16 (b) Any person under 18 years of age who violates Section 4
17 or 5 of this Act may be treated by the court in accordance with
18 the Juvenile Court Act of 1987.

19 (Source: P.A. 85-1209.)

20 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

21 Sec. 8. It is unlawful for any person knowingly to produce
22 the cannabis sativa plant or to possess such plants unless
23 production or possession has been authorized pursuant to the
24 provisions of Section 11 or 15.2 of the Act. Any person who

1 violates this Section with respect to production or possession
2 of:

3 (a) Not more than 5 plants is guilty of a Class B ~~A~~
4 misdemeanor.

5 (b) More than 5, but not more than 20 plants, is guilty of
6 a Class A misdemeanor ~~4-felony~~.

7 (c) More than 20, but not more than 50 plants, is guilty of
8 a Class 4 ~~3~~ felony.

9 (d) More than 50, but not more than 200 plants, is guilty
10 of a Class 3 ~~2~~ felony for which a fine not to exceed \$100,000
11 may be imposed and for which liability for the cost of
12 conducting the investigation and eradicating such plants may be
13 assessed. Compensation for expenses incurred in the
14 enforcement of this provision shall be transmitted to and
15 deposited in the treasurer's office at the level of government
16 represented by the Illinois law enforcement agency whose
17 officers or employees conducted the investigation or caused the
18 arrest or arrests leading to the prosecution, to be
19 subsequently made available to that law enforcement agency as
20 expendable receipts for use in the enforcement of laws
21 regulating controlled substances and cannabis. If such seizure
22 was made by a combination of law enforcement personnel
23 representing different levels of government, the court levying
24 the assessment shall determine the allocation of such
25 assessment. The proceeds of assessment awarded to the State
26 treasury shall be deposited in a special fund known as the Drug

1 Traffic Prevention Fund.

2 (e) More than 200 plants is guilty of a Class 2 ~~±~~ felony
3 for which a fine not to exceed \$100,000 may be imposed and for
4 which liability for the cost of conducting the investigation
5 and eradicating such plants may be assessed. Compensation for
6 expenses incurred in the enforcement of this provision shall be
7 transmitted to and deposited in the treasurer's office at the
8 level of government represented by the Illinois law enforcement
9 agency whose officers or employees conducted the investigation
10 or caused the arrest or arrests leading to the prosecution, to
11 be subsequently made available to that law enforcement agency
12 as expendable receipts for use in the enforcement of laws
13 regulating controlled substances and cannabis. If such seizure
14 was made by a combination of law enforcement personnel
15 representing different levels of government, the court levying
16 the assessment shall determine the allocation of such
17 assessment. The proceeds of assessment awarded to the State
18 treasury shall be deposited in a special fund known as the Drug
19 Traffic Prevention Fund.

20 (Source: P.A. 98-1072, eff. 1-1-15.)

21 (720 ILCS 550/9 rep.)

22 Section 10. The Cannabis Control Act is amended by
23 repealing Section 9.

24 Section 15. The Illinois Controlled Substances Act is

1 amended by changing Sections 401, 401.1, 402, 404, 405.2, 407,
2 407.1, and 407.2 as follows:

3 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

4 Sec. 401. Except as authorized by this Act, it is unlawful
5 for any person knowingly to manufacture or deliver, or possess
6 with intent to manufacture or deliver, a controlled substance
7 other than methamphetamine, a counterfeit substance, or a
8 controlled substance analog. A violation of this Act with
9 respect to each of the controlled substances listed herein
10 constitutes a single and separate violation of this Act. For
11 purposes of this Section, "controlled substance analog" or
12 "analog" means a substance, other than a controlled substance,
13 that has a chemical structure substantially similar to that of
14 a controlled substance in Schedule I or II, or that was
15 specifically designed to produce an effect substantially
16 similar to that of a controlled substance in Schedule I or II.
17 Examples of chemical classes in which controlled substance
18 analogs are found include, but are not limited to, the
19 following: phenethylamines, N-substituted piperidines,
20 morphinans, ecgonines, quinazolinones, substituted indoles,
21 and arylcycloalkylamines. For purposes of this Act, a
22 controlled substance analog shall be treated in the same manner
23 as the controlled substance to which it is substantially
24 similar.

25 (a) Any person who violates this Section with respect to

1 the following amounts of controlled or counterfeit substances
2 or controlled substance analogs, notwithstanding any of the
3 provisions of subsections (c), (d), ~~(e)~~, (f), (g) or (h) to the
4 contrary, ~~is guilty of a Class X felony and shall be sentenced~~
5 for the class of offense to a term of imprisonment as provided
6 in this subsection (a) and fined as provided in subsection (b):

7 (1) (A) a Class 2 felony ~~not less than 6 years and not~~
8 ~~more than 30 years~~ with respect to 15 grams or more but
9 less than 100 grams of a substance containing heroin,
10 or an analog thereof;

11 (B) a Class 1 felony ~~not less than 9 years and not~~
12 ~~more than 40 years~~ with respect to 100 grams or more
13 but less than 900 ~~400~~ grams of a substance containing
14 heroin, or an analog thereof;

15 (C) (blank) ~~not less than 12 years and not more~~
16 ~~than 50 years with respect to 400 grams or more but~~
17 ~~less than 900 grams of a substance containing heroin,~~
18 ~~or an analog thereof;~~

19 (D) a Class 1 felony for which the person, if
20 sentenced to a term of imprisonment, shall be sentenced
21 to not less than 6 ~~15~~ years and not more than 30 ~~60~~
22 years with respect to 900 grams or more of any
23 substance containing heroin, or an analog thereof;

24 (1.5) (A) a Class 2 felony ~~not less than 6 years and~~
25 ~~not more than 30 years~~ with respect to 15 grams or more
26 but less than 100 grams of a substance containing

1 fentanyl, or an analog thereof;

2 (B) a Class 1 felony ~~not less than 9 years and not~~
3 ~~more than 40 years~~ with respect to 100 grams or more
4 but less than 900 ~~400~~ grams of a substance containing
5 fentanyl, or an analog thereof;

6 (C) (blank) ~~not less than 12 years and not more~~
7 ~~than 50 years with respect to 400 grams or more but~~
8 ~~less than 900 grams of a substance containing fentanyl,~~
9 ~~or an analog thereof;~~

10 (D) a Class 1 felony for which the person, if
11 sentenced to a term of imprisonment, shall be sentenced
12 to not less than 6 ~~15~~ years and not more than 30 ~~60~~
13 years with respect to 900 grams or more of a substance
14 containing fentanyl, or an analog thereof;

15 (2) (A) a Class 2 felony ~~not less than 6 years and not~~
16 ~~more than 30 years~~ with respect to 15 grams or more but
17 less than 100 grams of a substance containing cocaine,
18 or an analog thereof;

19 (B) a Class 1 felony ~~not less than 9 years and not~~
20 ~~more than 40 years~~ with respect to 100 grams or more
21 but less than 900 ~~400~~ grams of a substance containing
22 cocaine, or an analog thereof;

23 (C) (blank) ~~not less than 12 years and not more~~
24 ~~than 50 years with respect to 400 grams or more but~~
25 ~~less than 900 grams of a substance containing cocaine,~~
26 ~~or an analog thereof;~~

1 (D) a Class 1 felony for which the person, if
2 sentenced to a term of imprisonment, shall be sentenced
3 to not less than 6 15 years and not more than 30 60
4 years with respect to 900 grams or more of any
5 substance containing cocaine, or an analog thereof;

6 (3) (A) a Class 2 felony ~~not less than 6 years and not~~
7 ~~more than 30 years~~ with respect to 15 grams or more but
8 less than 100 grams of a substance containing morphine,
9 or an analog thereof;

10 (B) a Class 1 felony ~~not less than 9 years and not~~
11 ~~more than 40 years~~ with respect to 100 grams or more
12 but less than 900 400 grams of a substance containing
13 morphine, or an analog thereof;

14 (C) (blank) ~~not less than 12 years and not more~~
15 ~~than 50 years with respect to 400 grams or more but~~
16 ~~less than 900 grams of a substance containing morphine,~~
17 ~~or an analog thereof;~~

18 (D) a Class 1 felony for which the person, if
19 sentenced to a term of imprisonment, shall be sentenced
20 to not less than 6 15 years and not more than 30 60
21 years with respect to 900 grams or more of a substance
22 containing morphine, or an analog thereof;

23 (4) a Class 1 felony with respect to 200 grams or more
24 of any substance containing peyote, or an analog thereof;

25 (5) a Class 1 felony with respect to 200 grams or more
26 of any substance containing a derivative of barbituric acid

1 or any of the salts of a derivative of barbituric acid, or
2 an analog thereof;

3 (6) a Class 1 felony with respect to 200 grams or more
4 of any substance containing amphetamine or any salt of an
5 optical isomer of amphetamine, or an analog thereof;

6 (6.5) (blank);

7 (6.6) (blank);

8 (7) (A) a Class 2 felony ~~not less than 6 years and not~~
9 ~~more than 30 years~~ with respect to: (i) 15 grams or
10 more but less than 100 grams of a substance containing
11 lysergic acid diethylamide (LSD), or an analog
12 thereof, or (ii) 15 or more objects or 15 or more
13 segregated parts of an object or objects but less than
14 200 objects or 200 segregated parts of an object or
15 objects containing in them or having upon them any
16 amounts of any substance containing lysergic acid
17 diethylamide (LSD), or an analog thereof;

18 (B) a Class 1 felony ~~not less than 9 years and not~~
19 ~~more than 40 years~~ with respect to: (i) 100 grams or
20 more but less than 900 ~~400~~ grams of a substance
21 containing lysergic acid diethylamide (LSD), or an
22 analog thereof, or (ii) 200 or more objects or 200 or
23 more segregated parts of an object or objects but less
24 than 1500 ~~600~~ objects or less than 1500 ~~600~~ segregated
25 parts of an object or objects containing in them or
26 having upon them any amount of any substance containing

1 lysergic acid diethylamide (LSD), or an analog
2 thereof;

3 (C) (blank) ~~not less than 12 years and not more~~
4 ~~than 50 years with respect to: (i) 400 grams or more~~
5 ~~but less than 900 grams of a substance containing~~
6 ~~lysergic acid diethylamide (LSD), or an analog~~
7 ~~thereof, or (ii) 600 or more objects or 600 or more~~
8 ~~segregated parts of an object or objects but less than~~
9 ~~1500 objects or 1500 segregated parts of an object or~~
10 ~~objects containing in them or having upon them any~~
11 ~~amount of any substance containing lysergic acid~~
12 ~~diethylamide (LSD), or an analog thereof;~~

13 (D) a Class 1 felony for which the person, if
14 sentenced to a term of imprisonment, shall be sentenced
15 to not less than 6 ~~15~~ years and not more than 30 ~~60~~
16 years with respect to: (i) 900 grams or more of any
17 substance containing lysergic acid diethylamide (LSD),
18 or an analog thereof, or (ii) 1500 or more objects or
19 1500 or more segregated parts of an object or objects
20 containing in them or having upon them any amount of a
21 substance containing lysergic acid diethylamide (LSD),
22 or an analog thereof;

23 (7.5) (A) a Class 2 felony ~~not less than 6 years and~~
24 ~~not more than 30 years~~ with respect to: (i) 15 grams or
25 more but less than 100 grams of a substance listed in
26 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),

1 (20), (20.1), (21), (25), or (26) of subsection (d) of
2 Section 204, or an analog or derivative thereof, or
3 (ii) 15 or more pills, tablets, caplets, capsules, or
4 objects but less than 200 pills, tablets, caplets,
5 capsules, or objects containing in them or having upon
6 them any amounts of any substance listed in paragraph
7 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
8 (20.1), (21), (25), or (26) of subsection (d) of
9 Section 204, or an analog or derivative thereof;

10 (B) a Class 1 felony ~~not less than 9 years and not~~
11 ~~more than 40 years~~ with respect to: (i) 100 grams or
12 more but less than 400 grams of a substance listed in
13 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
14 (20), (20.1), (21), (25), or (26) of subsection (d) of
15 Section 204, or an analog or derivative thereof, or
16 (ii) 200 or more pills, tablets, caplets, capsules, or
17 objects but less than 600 pills, tablets, caplets,
18 capsules, or objects containing in them or having upon
19 them any amount of any substance listed in paragraph
20 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
21 (20.1), (21), (25), or (26) of subsection (d) of
22 Section 204, or an analog or derivative thereof;

23 (C) a Class 1 felony for which the person, if
24 sentenced to a term of imprisonment, shall be sentenced
25 to not less than 6 ~~12~~ years and not more than 30 ~~50~~
26 years with respect to: (i) 400 grams or more ~~but less~~

1 ~~than 900 grams~~ of a substance listed in paragraph (1),
2 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
3 (21), (25), or (26) of subsection (d) of Section 204,
4 or an analog or derivative thereof, or (ii) 600 or more
5 pills, tablets, caplets, capsules, or objects ~~but less~~
6 ~~than 1,500 pills, tablets, caplets, capsules, or~~
7 ~~objects~~ containing in them or having upon them any
8 amount of any substance listed in paragraph (1), (2),
9 (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21),
10 (25), or (26) of subsection (d) of Section 204, or an
11 analog or derivative thereof;

12 (D) (blank) ~~not less than 15 years and not more~~
13 ~~than 60 years with respect to: (i) 900 grams or more of~~
14 ~~any substance listed in paragraph (1), (2), (2.1),~~
15 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~
16 ~~(26) of subsection (d) of Section 204, or an analog or~~
17 ~~derivative thereof, or (ii) 1,500 or more pills,~~
18 ~~tablets, caplets, capsules, or objects containing in~~
19 ~~them or having upon them any amount of a substance~~
20 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~
21 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
22 ~~subsection (d) of Section 204, or an analog or~~
23 ~~derivative thereof;~~

24 (8) a Class 1 felony with respect to 30 grams or more
25 of any substance containing pentazocine or any of the
26 salts, isomers and salts of isomers of pentazocine, or an

1 analog thereof;

2 (9) a Class 1 felony with respect to 30 grams or more
3 of any substance containing methaqualone or any of the
4 salts, isomers and salts of isomers of methaqualone, or an
5 analog thereof;

6 (10) a Class 1 felony with respect to 30 grams or more
7 of any substance containing phencyclidine or any of the
8 salts, isomers and salts of isomers of phencyclidine (PCP),
9 or an analog thereof;

10 (10.5) a Class 1 felony with respect to 30 grams or
11 more of any substance containing ketamine or any of the
12 salts, isomers and salts of isomers of ketamine, or an
13 analog thereof;

14 (10.6) a Class 1 felony with respect to 100 grams or
15 more of any substance containing hydrocodone, or any of the
16 salts, isomers and salts of isomers of hydrocodone, or an
17 analog thereof;

18 (10.7) a Class 1 felony with respect to 100 grams or
19 more of any substance containing dihydrocodeinone, or any
20 of the salts, isomers and salts of isomers of
21 dihydrocodeinone, or an analog thereof;

22 (10.8) a Class 1 felony with respect to 100 grams or
23 more of any substance containing dihydrocodeine, or any of
24 the salts, isomers and salts of isomers of dihydrocodeine,
25 or an analog thereof;

26 (10.9) a Class 1 felony with respect to 100 grams or

1 more of any substance containing oxycodone, or any of the
2 salts, isomers and salts of isomers of oxycodone, or an
3 analog thereof;

4 (11) a Class 1 felony with respect to 200 grams or more
5 of any substance containing any other controlled substance
6 classified in Schedules I or II, or an analog thereof,
7 which is not otherwise included in this subsection.

8 (b) Any person sentenced with respect to violations of
9 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
10 involving 100 grams or more of the controlled substance named
11 therein, may in addition to the penalties provided therein, be
12 fined an amount not more than \$500,000 or the full street value
13 of the controlled or counterfeit substance or controlled
14 substance analog, whichever is greater. The term "street value"
15 shall have the meaning ascribed in Section 110-5 of the Code of
16 Criminal Procedure of 1963. Any person sentenced with respect
17 to any other provision of subsection (a), may in addition to
18 the penalties provided therein, be fined an amount not to
19 exceed \$500,000.

20 (b-1) Excluding violations of this Act when the controlled
21 substance is fentanyl, any person sentenced to a term of
22 imprisonment with respect to violations of Section 401, 401.1,
23 405, 405.1, 405.2, or 407, when it is proven that the person
24 knew or should have known that the substance containing the
25 controlled substance contained ~~contains~~ any amount of
26 fentanyl, a term of imprisonment not to exceed 3 years may, at

1 the discretion of the court, shall be added to the term of
2 imprisonment imposed by the court, and the maximum sentence for
3 the offense, if the additional term is imposed, shall be
4 increased by that period of time not to exceed 3 years.

5 (c) Any person who violates this Section with regard to the
6 following amounts of controlled or counterfeit substances or
7 controlled substance analogs, notwithstanding any of the
8 provisions of subsections (a), (b), (d), ~~(e)~~, (f), (g) or (h)
9 to the contrary, shall be sentenced for the class of offense as
10 provided in this subsection (c) is guilty of a Class 1 felony.
11 ~~The fine for violation of this subsection (c) shall not be more~~
12 ~~than \$250,000:~~

13 (1) a Class 3 felony with respect to 1 gram or more but
14 less than 15 grams of any substance containing heroin, or
15 an analog thereof;

16 (1.5) a Class 3 felony with respect to 1 gram or more
17 but less than 15 grams of any substance containing
18 fentanyl, or an analog thereof;

19 (2) a Class 3 felony with respect to 1 gram or more but
20 less than 15 grams of any substance containing cocaine, or
21 an analog thereof;

22 (3) a Class 3 felony with respect to 5 ~~10~~ grams or more
23 but less than 15 grams of any substance containing
24 morphine, or an analog thereof;

25 (4) a Class 2 felony with respect to 50 grams or more
26 but less than 200 grams of any substance containing peyote,

1 or an analog thereof;

2 (4.5) a Class 3 felony with respect to 10 grams or more
3 but less than 50 grams of any substance containing peyote,
4 or an analog thereof;

5 (5) a Class 2 felony with respect to 50 grams or more
6 but less than 200 grams of any substance containing a
7 derivative of barbituric acid or any of the salts of a
8 derivative of barbituric acid, or an analog thereof;

9 (5.5) a Class 3 felony with respect to 10 grams or more
10 but less than 50 grams of any substance containing a
11 derivative of barbituric acid or any of the salts of a
12 derivative of barbituric acid, or an analog thereof;

13 (6) a Class 2 felony with respect to 50 grams or more
14 but less than 200 grams of any substance containing
15 amphetamine or any salt of an optical isomer of
16 amphetamine, or an analog thereof;

17 (6.1) a Class 3 felony with respect to 10 grams or more
18 but less than 50 grams of any substance containing
19 amphetamine or any salt of an optical isomer of
20 amphetamine, or an analog thereof;

21 (6.5) (blank);

22 (7) a Class 3 felony with respect to (i) 5 grams or
23 more but less than 15 grams of any substance containing
24 lysergic acid diethylamide (LSD), or an analog thereof, or
25 (ii) more than 10 objects or more than 10 segregated parts
26 of an object or objects but less than 15 objects or less

1 than 15 segregated parts of an object containing in them or
2 having upon them any amount of any substance containing
3 lysergic acid diethylamide (LSD), or an analog thereof;

4 (7.5) a Class 3 felony with respect to (i) 5 grams or
5 more but less than 15 grams of any substance listed in
6 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
7 (20.1), (21), (25), or (26) of subsection (d) of Section
8 204, or an analog or derivative thereof, or (ii) more than
9 10 pills, tablets, caplets, capsules, or objects but less
10 than 15 pills, tablets, caplets, capsules, or objects
11 containing in them or having upon them any amount of any
12 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
13 (14.1), (19), (20), (20.1), (21), (25), or (26) of
14 subsection (d) of Section 204, or an analog or derivative
15 thereof;

16 (8) a Class 2 felony with respect to 10 grams or more
17 but less than 30 grams of any substance containing
18 pentazocine or any of the salts, isomers and salts of
19 isomers of pentazocine, or an analog thereof;

20 (8.5) a Class 3 felony with respect to 5 grams or more
21 but less than 10 grams of pentazocine, or an analog
22 thereof;

23 (9) a Class 2 felony with respect to 10 grams or more
24 but less than 30 grams of any substance containing
25 methaqualone or any of the salts, isomers and salts of
26 isomers of methaqualone, or an analog thereof;

1 (9.5) a Class 3 felony with respect to 5 grams or more
2 but less than 10 grams of any substance containing
3 methaqualone or any of the salts, isomers and salts of
4 isomers of methaqualone, or an analog thereof;

5 (10) a Class 2 felony with respect to 10 grams or more
6 but less than 30 grams of any substance containing
7 phencyclidine or any of the salts, isomers and salts of
8 isomers of phencyclidine (PCP), or an analog thereof;

9 (10.1) a Class 3 felony with respect to 1 gram or more
10 but less than 10 grams of any substance containing
11 phencyclidine or any of the salts, isomers and salts of
12 isomers of phencyclidine (PCP), or an analog thereof;

13 (10.5) a Class 2 felony with respect to 10 grams or
14 more but less than 30 grams of any substance containing
15 ketamine or any of the salts, isomers and salts of isomers
16 of ketamine, or an analog thereof;

17 (10.5-1) a Class 3 felony with respect to 1 gram or
18 more but less than 10 grams of any substance containing
19 ketamine or any of the salts, isomers and salts of isomers
20 of ketamine, or an analog thereof;

21 (10.6) a Class 2 felony with respect to 50 grams or
22 more but less than 100 grams of any substance containing
23 hydrocodone, or any of the salts, isomers and salts of
24 isomers of hydrocodone, or an analog thereof;

25 (10.6-1) a Class 3 felony with respect to 10 grams or
26 more but less than 50 grams of any substance containing

1 hydrocodone, or any of the salts, isomers and salts of
2 isomers of hydrocodone, or an analog thereof;

3 (10.7) a Class 2 felony with respect to 50 grams or
4 more but less than 100 grams of any substance containing
5 dihydrocodeinone, or any of the salts, isomers and salts of
6 isomers of dihydrocodeinone, or an analog thereof;

7 (10.7-1) a Class 3 felony with respect to 10 grams or
8 more but less than 50 grams of any substance containing
9 dihydrocodeinone, or any of the salts, isomers and salts of
10 isomers of dihydrocodeinone, or an analog thereof;

11 (10.8) a Class 2 felony with respect to 50 grams or
12 more but less than 100 grams of any substance containing
13 dihydrocodeine, or any of the salts, isomers and salts of
14 isomers of dihydrocodeine, or an analog thereof;

15 (10.8-1) a Class 3 felony with respect to 10 grams or
16 more but less than 50 grams of any substance containing
17 dihydrocodeine, or any of the salts, isomers and salts of
18 isomers of dihydrocodeine, or an analog thereof;

19 (10.9) a Class 2 felony with respect to 50 grams or
20 more but less than 100 grams of any substance containing
21 oxycodone, or any of the salts, isomers and salts of
22 isomers of oxycodone, or an analog thereof;

23 (10.9-1) a Class 3 felony with respect to 10 grams or
24 more but less than 50 grams of any substance containing
25 oxycodone, or any of the salts, isomers and salts of
26 isomers of oxycodone, or an analog thereof;

1 (11) a Class 2 felony with respect to 50 grams or more
2 but less than 200 grams of any substance containing a
3 substance classified in Schedules I or II, or an analog
4 thereof, which is not otherwise included in this subsection
5 (c).

6 (11.1) a Class 3 felony with respect to 10 grams or
7 more but less than 50 grams grams of any substance
8 containing a substance classified in Schedules I or II, or
9 an analog thereof, which is not otherwise included in this
10 subsection (c);

11 (c-5) (Blank).

12 (d) Any person who violates this Section with regard to any
13 other amount of a controlled or counterfeit substance
14 ~~containing dihydrocodeinone or dihydrocodeine or~~ classified in
15 Schedules I or II, or an analog thereof, which is not otherwise
16 included in subsection (a), (b), or (c), which is (i) a
17 ~~narcotic drug, (ii) lysergic acid diethylamide (LSD) or an~~
18 ~~analog thereof, (iii) any substance containing amphetamine or~~
19 ~~fentanyl or any salt or optical isomer of amphetamine or~~
20 ~~fentanyl, or an analog thereof, or (iv) any substance~~
21 ~~containing N-Benzylpiperazine (BZP) or any salt or optical~~
22 ~~isomer of N-Benzylpiperazine (BZP), or an analog thereof,~~ is
23 guilty of a Class 4 ~~2~~ felony. ~~The fine for violation of this~~
24 ~~subsection (d) shall not be more than \$200,000.~~

25 (d-5) (Blank).

26 (e) (Blank). ~~Any person who violates this Section with~~

1 ~~regard to any other amount of a controlled substance other than~~
2 ~~methamphetamine or counterfeit substance classified in~~
3 ~~Schedule I or II, or an analog thereof, which substance is not~~
4 ~~included under subsection (d) of this Section, is guilty of a~~
5 ~~Class 3 felony. The fine for violation of this subsection (e)~~
6 ~~shall not be more than \$150,000.~~

7 (f) Any person who violates this Section with regard to 10
8 grams or more any other amount of a controlled or counterfeit
9 substance classified in Schedule III, which is not otherwise
10 included in subsection (a), (b), or (c), is guilty of a Class 3
11 felony. ~~The fine for violation of this subsection (f) shall not~~
12 ~~be more than \$125,000.~~

13 (f-1) Any person who violates this Section with regard to
14 any other amount of a controlled or counterfeit substance
15 classified in Schedule III which is not otherwise included in
16 subsection (a), (b) or (c), is guilty of a Class 4 felony.

17 (g) Any person who violates this Section with regard to 10
18 grams or more any other amount of a controlled or counterfeit
19 substance classified in Schedule IV is guilty of a Class 3
20 felony. ~~The fine for violation of this subsection (g) shall not~~
21 ~~be more than \$100,000.~~

22 (g-1) Any person who violates this Section with regard to
23 any other amount of a controlled or counterfeit substance
24 classified in Schedule IV which is not otherwise included in
25 subsection (a), (b), or (c), is guilty of a Class 4 felony.

26 (h) Any person who violates this Section with regard to 10

1 ~~grams or more any other amount~~ of a controlled or counterfeit
2 substance classified in Schedule V, which is not otherwise
3 included in subsection (a), (b) or (c), is guilty of a Class 3
4 felony. ~~The fine for violation of this subsection (h) shall not~~
5 ~~be more than \$75,000.~~

6 (h-1) Any person who violates this Section with regard to
7 any other amount of a controlled or counterfeit substance
8 classified in Schedule V, which is not otherwise included in
9 subsection (a), (b), or (c), is guilty of a Class 4 felony.

10 (i) This Section does not apply to the manufacture,
11 possession or distribution of a substance in conformance with
12 the provisions of an approved new drug application or an
13 exemption for investigational use within the meaning of Section
14 505 of the Federal Food, Drug and Cosmetic Act.

15 (j) (Blank).

16 (Source: P.A. 99-371, eff. 1-1-16.)

17 (720 ILCS 570/401.1) (from Ch. 56 1/2, par. 1401.1)

18 Sec. 401.1. Controlled Substance Trafficking.

19 (a) Except for purposes as authorized by this Act, any
20 person who knowingly brings or causes to be brought into this
21 State 400 grams or more of a controlled substance or 600 or
22 more objects or 600 or more segregated parts of an object or
23 objects containing in them or having upon them any amounts of
24 any substance containing lysergic acid diethylamide (LSD), or
25 an analog thereof or 600 or more pills, tablets, caplets,

1 capsules, or objects containing in them or having upon them any
2 amount of any substance listed in paragraph (1), (2), (2.1),
3 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
4 subsection (d) of Section 204, or an analog or derivative
5 thereof for the purpose of manufacture or delivery or with the
6 intent to manufacture or deliver a controlled substance other
7 than methamphetamine or counterfeit substance in this or any
8 other state or country is guilty of controlled substance
9 trafficking.

10 (b) Except as otherwise provided in subsection (b-5) of
11 this Section, a ~~A~~ person convicted of controlled substance
12 trafficking shall be sentenced for the class of an offense that
13 is one class higher than the amount authorized by Section 401
14 of this Act for the manufacture or delivery, or possession with
15 intent to manufacture or deliver, based upon the amount of
16 controlled or counterfeit substance brought or caused to be
17 brought into this State. If the sentence for the underlying
18 offense under Section 401 of this Act is a Class 1 felony for
19 which the offender may be sentenced to a term of imprisonment
20 of not less than 6 years and not more than 30 years, the
21 penalty for controlled substance trafficking is a Class 1
22 felony for which the person may be sentenced to a term of
23 imprisonment of not less 9 years and not more than 40 years ~~to~~
24 ~~a term of imprisonment not less than twice the minimum term and~~
25 ~~fined an amount as authorized by Section 401 of this Act, based~~
26 ~~upon the amount of controlled or counterfeit substance brought~~

1 ~~or caused to be brought into this State, and not more than~~
2 ~~twice the maximum term of imprisonment and fined twice the~~
3 ~~amount as authorized by Section 401 of this Act, based upon the~~
4 ~~amount of controlled or counterfeit substance brought or caused~~
5 ~~to be brought into this State.~~

6 (b-5) A person convicted of controlled substance
7 trafficking shall be sentenced as authorized by Section 401 of
8 this Act, based upon the amount of the controlled or
9 counterfeit substance brought or caused to be brought into this
10 State, if the person at sentencing proves by a preponderance of
11 the evidence that he or she:

12 (1) received little or no compensation from the illegal
13 transport of the substance into this State and had minimal
14 knowledge of the scope and structure of the enterprise to
15 manufacture or deliver the illegal substance transported;
16 or

17 (2) was not involved in the organization or planning of
18 the enterprise to manufacture or deliver the illegal
19 substance transported.

20 (c) (Blank) ~~It shall be a Class 2 felony for which a fine~~
21 ~~not to exceed \$100,000 may be imposed for any person to~~
22 ~~knowingly use a cellular radio telecommunication device in the~~
23 ~~furtherance of controlled substance trafficking. This penalty~~
24 ~~shall be in addition to any other penalties imposed by law.~~

25 (Source: P.A. 94-556, eff. 9-11-05.)

1 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

2 Sec. 402. Except as otherwise authorized by this Act, it is
3 unlawful for any person knowingly to possess a controlled or
4 counterfeit substance or controlled substance analog. A
5 violation of this Act with respect to each of the controlled
6 substances listed herein constitutes a single and separate
7 violation of this Act. For purposes of this Section,
8 "controlled substance analog" or "analog" means a substance,
9 other than a controlled substance, that has a chemical
10 structure substantially similar to that of a controlled
11 substance in Schedule I or II, or that was specifically
12 designed to produce an effect substantially similar to that of
13 a controlled substance in Schedule I or II. Examples of
14 chemical classes in which controlled substance analogs are
15 found include, but are not limited to, the following:
16 phenethylamines, N-substituted piperidines, morphinans,
17 ecgonines, quinazolinones, substituted indoles, and
18 arylcycloalkylamines. For purposes of this Act, a controlled
19 substance analog shall be treated in the same manner as the
20 controlled substance to which it is substantially similar.

21 (a) Any person who violates this Section with respect to
22 the following controlled or counterfeit substances and
23 amounts, notwithstanding any of the provisions of subsections
24 (c) and (d) to the contrary, ~~is guilty of a Class 1 felony and~~
25 shall, if sentenced to a term of imprisonment, be sentenced for
26 the class of offense as provided in this subsection (a) and

1 fined as provided in subsection (b):

2 (1) (A) a Class 3 felony ~~not less than 4 years and not~~
3 ~~more than 15 years~~ with respect to 15 grams or more but
4 less than 100 grams of a substance containing heroin;

5 (B) a Class 2 felony ~~not less than 6 years and not~~
6 ~~more than 30 years~~ with respect to 100 grams or more
7 but less than 400 grams of a substance containing
8 heroin;

9 (C) a Class 1 felony ~~not less than 8 years and not~~
10 ~~more than 40 years~~ with respect to 400 grams or more
11 ~~but less than 900 grams~~ of any substance containing
12 heroin;

13 (D) (blank) ~~not less than 10 years and not more~~
14 ~~than 50 years with respect to 900 grams or more of any~~
15 ~~substance containing heroin;~~

16 (2) (A) a Class 3 felony ~~not less than 4 years and not~~
17 ~~more than 15 years~~ with respect to 15 grams or more but
18 less than 100 grams of any substance containing
19 cocaine;

20 (B) a Class 2 felony ~~not less than 6 years and not~~
21 ~~more than 30 years~~ with respect to 100 grams or more
22 but less than 400 grams of any substance containing
23 cocaine;

24 (C) a Class 1 felony ~~not less than 8 years and not~~
25 ~~more than 40 years~~ with respect to 400 grams or more
26 ~~but less than 900 grams~~ of any substance containing

1 cocaine;

2 (D) (blank) ~~not less than 10 years and not more~~
3 ~~than 50 years with respect to 900 grams or more of any~~
4 ~~substance containing cocaine;~~

5 (3) (A) a Class 3 felony ~~not less than 4 years and not~~
6 ~~more than 15 years~~ with respect to 15 grams or more but
7 less than 100 grams of any substance containing
8 morphine;

9 (B) a Class 2 felony ~~not less than 6 years and not~~
10 ~~more than 30 years~~ with respect to 100 grams or more
11 but less than 400 grams of any substance containing
12 morphine;

13 (C) a Class 1 felony ~~not less than 6 years and not~~
14 ~~more than 40 years~~ with respect to 400 grams or more
15 ~~but less than 900 grams~~ of any substance containing
16 morphine;

17 (D) (blank) ~~not less than 10 years and not more~~
18 ~~than 50 years with respect to 900 grams or more of any~~
19 ~~substance containing morphine;~~

20 (4) a Class 2 felony with respect to 200 grams or more
21 of any substance containing peyote;

22 (5) a Class 2 felony with respect to 200 grams or more
23 of any substance containing a derivative of barbituric acid
24 or any of the salts of a derivative of barbituric acid;

25 (6) a Class 2 felony with respect to 200 grams or more
26 of any substance containing amphetamine or any salt of an

1 optical isomer of amphetamine;

2 (6.5) (blank);

3 (7) (A) a Class 3 felony ~~not less than 4 years and not~~
4 ~~more than 15 years~~ with respect to: (i) 15 grams or
5 more but less than 100 grams of any substance
6 containing lysergic acid diethylamide (LSD), or an
7 analog thereof, or (ii) 15 or more objects or 15 or
8 more segregated parts of an object or objects but less
9 than 200 objects or 200 segregated parts of an object
10 or objects containing in them or having upon them any
11 amount of any substance containing lysergic acid
12 diethylamide (LSD), or an analog thereof;

13 (B) a Class 2 felony ~~not less than 6 years and not~~
14 ~~more than 30 years~~ with respect to: (i) 100 grams or
15 more but less than 400 grams of any substance
16 containing lysergic acid diethylamide (LSD), or an
17 analog thereof, or (ii) 200 or more objects or 200 or
18 more segregated parts of an object or objects but less
19 than 600 objects or less than 600 segregated parts of
20 an object or objects containing in them or having upon
21 them any amount of any substance containing lysergic
22 acid diethylamide (LSD), or an analog thereof;

23 (C) a Class 1 felony ~~not less than 8 years and not~~
24 ~~more than 40 years~~ with respect to: (i) 400 grams or
25 more ~~but less than 900 grams~~ of any substance
26 containing lysergic acid diethylamide (LSD), or an

1 analog thereof, or (ii) 600 or more objects or 600 or
2 more segregated parts of an object or objects ~~but less~~
3 ~~than 1500 objects or 1500 segregated parts of an object~~
4 ~~or objects~~ containing in them or having upon them any
5 amount of any substance containing lysergic acid
6 diethylamide (LSD), or an analog thereof;

7 (D) (blank) ~~not less than 10 years and not more~~
8 ~~than 50 years with respect to: (i) 900 grams or more of~~
9 ~~any substance containing lysergic acid diethylamide~~
10 ~~(LSD), or an analog thereof, or (ii) 1500 or more~~
11 ~~objects or 1500 or more segregated parts of an object~~
12 ~~or objects containing in them or having upon them any~~
13 ~~amount of a substance containing lysergic acid~~
14 ~~diethylamide (LSD), or an analog thereof;~~

15 (7.5) (A) a Class 3 felony ~~not less than 4 years and~~
16 ~~not more than 15 years~~ with respect to: (i) 15 grams or
17 more but less than 100 grams of any substance listed in
18 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
19 (20), (20.1), (21), (25), or (26) of subsection (d) of
20 Section 204, or an analog or derivative thereof, or
21 (ii) 15 or more pills, tablets, caplets, capsules, or
22 objects but less than 200 pills, tablets, caplets,
23 capsules, or objects containing in them or having upon
24 them any amount of any substance listed in paragraph
25 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
26 (20.1), (21), (25), or (26) of subsection (d) of

1 Section 204, or an analog or derivative thereof;

2 (B) a Class 2 felony ~~not less than 6 years and not~~
3 ~~more than 30 years~~ with respect to: (i) 100 grams or
4 more but less than 400 grams of any substance listed in
5 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
6 (20), (20.1), (21), (25), or (26) of subsection (d) of
7 Section 204, or an analog or derivative thereof, or
8 (ii) 200 or more pills, tablets, caplets, capsules, or
9 objects but less than 600 pills, tablets, caplets,
10 capsules, or objects containing in them or having upon
11 them any amount of any substance listed in paragraph
12 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
13 (20.1), (21), (25), or (26) of subsection (d) of
14 Section 204, or an analog or derivative thereof;

15 (C) a Class 1 felony ~~not less than 8 years and not~~
16 ~~more than 40 years~~ with respect to: (i) 400 grams or
17 more ~~but less than 900 grams~~ of any substance listed in
18 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
19 (20), (20.1), (21), (25), or (26) of subsection (d) of
20 Section 204, or an analog or derivative thereof, or
21 (ii) 600 or more pills, tablets, caplets, capsules, or
22 objects ~~but less than 1,500 pills, tablets, caplets,~~
23 ~~capsules, or objects~~ containing in them or having upon
24 them any amount of any substance listed in paragraph
25 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
26 (20.1), (21), (25), or (26) of subsection (d) of

1 Section 204, or an analog or derivative thereof;

2 (D) (blank) ~~not less than 10 years and not more~~
3 ~~than 50 years with respect to: (i) 900 grams or more of~~
4 ~~any substance listed in paragraph (1), (2), (2.1),~~
5 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~
6 ~~(26) of subsection (d) of Section 204, or an analog or~~
7 ~~derivative thereof, or (ii) 1,500 or more pills,~~
8 ~~tablets, caplets, capsules, or objects containing in~~
9 ~~them or having upon them any amount of a substance~~
10 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~
11 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
12 ~~subsection (d) of Section 204, or an analog or~~
13 ~~derivative thereof;~~

14 (8) a Class 2 felony with respect to 30 grams or more
15 of any substance containing pentazocine or any of the
16 salts, isomers and salts of isomers of pentazocine, or an
17 analog thereof;

18 (9) a Class 2 felony with respect to 30 grams or more
19 of any substance containing methaqualone or any of the
20 salts, isomers and salts of isomers of methaqualone;

21 (10) a Class 2 felony with respect to 30 grams or more
22 of any substance containing phencyclidine or any of the
23 salts, isomers and salts of isomers of phencyclidine (PCP);

24 (10.5) a Class 2 felony with respect to 30 grams or
25 more of any substance containing ketamine or any of the
26 salts, isomers and salts of isomers of ketamine;

1 (11) a Class 2 felony with respect to 200 grams or more
2 of any substance containing any substance classified as a
3 narcotic drug in Schedules I or II, or an analog thereof,
4 which is not otherwise included in this subsection.

5 (b) Any person sentenced with respect to violations of
6 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
7 involving 100 grams or more of the controlled substance named
8 therein, may in addition to the penalties provided therein, be
9 fined an amount not to exceed \$200,000 or the full street value
10 of the controlled or counterfeit substances, whichever is
11 greater. The term "street value" shall have the meaning
12 ascribed in Section 110-5 of the Code of Criminal Procedure of
13 1963. Any person sentenced with respect to any other provision
14 of subsection (a), may in addition to the penalties provided
15 therein, be fined an amount not to exceed \$200,000.

16 (c) Any person who violates this Section with regard to
17 less than one gram ~~an amount~~ of a controlled substance other
18 than methamphetamine or counterfeit substance not set forth in
19 subsection (a) or (d) is guilty of a Class A misdemeanor. Any
20 person who violates this Section with regard to one gram or
21 more and less than the minimum amount of a controlled substance
22 specified in paragraphs (1) through (11) of subsection (a) or
23 one gram or more of a controlled substance other than
24 methamphetamine or counterfeit substance not set forth in
25 subsection (a) or (d) is guilty of a Class 4 felony. The fine
26 for a violation punishable under this subsection (c) shall not

1 be more than \$25,000.

2 (d) Any person who violates this Section with regard to any
3 amount of anabolic steroid is guilty of a Class C misdemeanor
4 for the first offense and a Class B misdemeanor for a
5 subsequent offense committed within 2 years of a prior
6 conviction.

7 (Source: P.A. 99-371, eff. 1-1-16.)

8 (720 ILCS 570/404) (from Ch. 56 1/2, par. 1404)

9 Sec. 404. (a) For the purposes of this Section:

10 (1) "Advertise" means the attempt, by publication,
11 dissemination, solicitation or circulation, to induce
12 directly or indirectly any person to acquire, or enter into
13 an obligation to acquire, any substance within the scope of
14 this Section.

15 (2) "Distribute" has the meaning ascribed to it in
16 subsection (s) of Section 102 of this Act but as relates to
17 look-alike substances.

18 (3) "Manufacture" means the producing, preparing,
19 compounding, processing, encapsulating, packaging,
20 repackaging, labeling or relabeling of a look-alike
21 substance.

22 (b) It is unlawful for any person knowingly to manufacture,
23 distribute, advertise, or possess with intent to manufacture or
24 distribute a look-alike substance. Any person who violates this
25 subsection (b) shall be guilty of a Class 4 ~~3~~ felony, the fine

1 for which shall not exceed \$150,000.

2 (c) (Blank) ~~It is unlawful for any person knowingly to~~
3 ~~possess a look-alike substance. Any person who violates this~~
4 ~~subsection (c) is guilty of a petty offense. Any person~~
5 ~~convicted of a subsequent offense under this subsection (c)~~
6 ~~shall be guilty of a Class C misdemeanor.~~

7 (d) In any prosecution brought under this Section, it is
8 not a defense to a violation of this Section that the defendant
9 believed the look-alike substance actually to be a controlled
10 substance.

11 (e) Nothing in this Section applies to:

12 (1) The manufacture, processing, packaging,
13 distribution or sale of noncontrolled substances to
14 licensed medical practitioners for use as placebos in
15 professional practice or research.

16 (2) Persons acting in the course and legitimate scope
17 of their employment as law enforcement officers.

18 (3) The retention of production samples of
19 noncontrolled substances produced prior to the effective
20 date of this amendatory Act of 1982, where such samples are
21 required by federal law.

22 (f) Nothing in this Section or in this Act applies to the
23 lawful manufacture, processing, packaging, advertising or
24 distribution of a drug or drugs by any person registered
25 pursuant to Section 510 of the Federal Food, Drug, and Cosmetic
26 Act (21 U.S.C. 360).

1 (Source: P.A. 83-1362.)

2 (720 ILCS 570/405.2)

3 Sec. 405.2. Streetgang criminal drug conspiracy.

4 (a) Any person who engages in a streetgang criminal drug
5 conspiracy, as defined in this Section, is guilty of an offense
6 that is one class higher than the underlying offense under
7 subsection (a) or (c) of Section 401 of this Act or under the
8 Methamphetamine Control and Community Protection Act except
9 Section 60 of that Act. If the sentence for the underlying
10 offense is a term of imprisonment of not less than 6 years and
11 not more than 30 years, the penalty for streetgang criminal
12 drug conspiracy is a Class 1 felony for which the person may be
13 sentenced to a term of imprisonment of not less 9 years and not
14 more than 40 years. a Class X felony for which the offender
15 shall be sentenced to a term of imprisonment as follows:

16 (1) (blank) not less than 15 years and not more than 60
17 years for a violation of subsection (a) of Section 401;

18 (2) (blank) not less than 10 years and not more than 30
19 years for a violation of subsection (c) of Section 401.

20 For the purposes of this Section, a person engages in a
21 streetgang criminal drug conspiracy when:

22 (i) he or she violates any of the provisions of
23 subsection (a) or (c) of Section 401 of this Act or any
24 provision of the Methamphetamine Control and Community
25 Protection Act except Section 60 of that Act; and

1 (ii) such violation is part of a conspiracy undertaken
2 or carried out with 2 or more other persons; and

3 (iii) such conspiracy is in furtherance of the
4 activities of an organized gang as defined in the Illinois
5 Streetgang Terrorism Omnibus Prevention Act; and

6 (iv) he or she occupies a position of organizer, a
7 supervising person, or any other position of management
8 with those persons identified in clause (ii) of this
9 subsection (a).

10 The fine for a violation of this Section shall not be more
11 than \$500,000, and the offender shall be subject to the
12 forfeitures prescribed in subsection (b).

13 (b) Subject to the provisions of Section 8 of the Drug
14 Asset Forfeiture Procedure Act, any person who is convicted
15 under this Section of engaging in a streetgang criminal drug
16 conspiracy shall forfeit to the State of Illinois:

17 (1) the receipts obtained by him or her in such
18 conspiracy; and

19 (2) any of his or her interests in, claims against,
20 receipts from, or property or rights of any kind affording
21 a source of influence over, such conspiracy.

22 (c) The circuit court may enter such injunctions,
23 restraining orders, directions or prohibitions, or may take
24 such other actions, including the acceptance of satisfactory
25 performance bonds, in connection with any property, claim,
26 receipt, right or other interest subject to forfeiture under

1 this Section, as it deems proper.

2 (Source: P.A. 94-556, eff. 9-11-05.)

3 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

4 Sec. 407. (a) (1) (A) Any person 18 years of age or over who
5 violates any subsection of Section 401 or subsection (b) of
6 Section 404 by delivering a controlled, counterfeit or
7 look-alike substance to a person under 18 years of age may, at
8 the discretion of the court, be sentenced to a maximum term of
9 imprisonment that is equal to the maximum term of imprisonment
10 for the underlying offense plus the minimum term of
11 imprisonment for the underlying offense ~~may be sentenced to~~
12 ~~imprisonment for a term up to twice the maximum term and fined~~
13 ~~an amount up to twice that amount otherwise authorized by the~~
14 ~~pertinent subsection of Section 401 and Subsection (b) of~~
15 ~~Section 404.~~

16 (B) (Blank).

17 (2) (Blank). ~~Except as provided in paragraph (3) of this~~
18 ~~subsection, any person who violates:~~

19 ~~(A) subsection (c) of Section 401 by delivering or~~
20 ~~possessing with intent to deliver a controlled,~~
21 ~~counterfeit, or look-alike substance in or on, or within~~
22 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
23 ~~of a Class 1 felony, the fine for which shall not exceed~~
24 ~~\$250,000;~~

25 ~~(B) subsection (d) of Section 401 by delivering or~~

1 ~~possessing with intent to deliver a controlled,~~
2 ~~counterfeit, or look alike substance in or on, or within~~
3 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
4 ~~of a Class 2 felony, the fine for which shall not exceed~~
5 ~~\$200,000;~~

6 ~~(C) subsection (c) of Section 401 or subsection (b) of~~
7 ~~Section 404 by delivering or possessing with intent to~~
8 ~~deliver a controlled, counterfeit, or look alike substance~~
9 ~~in or on, or within 1,000 feet of, a truck stop or safety~~
10 ~~rest area, is guilty of a Class 3 felony, the fine for~~
11 ~~which shall not exceed \$150,000;~~

12 ~~(D) subsection (f) of Section 401 by delivering or~~
13 ~~possessing with intent to deliver a controlled,~~
14 ~~counterfeit, or look alike substance in or on, or within~~
15 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
16 ~~of a Class 3 felony, the fine for which shall not exceed~~
17 ~~\$125,000;~~

18 ~~(E) subsection (g) of Section 401 by delivering or~~
19 ~~possessing with intent to deliver a controlled,~~
20 ~~counterfeit, or look alike substance in or on, or within~~
21 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
22 ~~of a Class 3 felony, the fine for which shall not exceed~~
23 ~~\$100,000;~~

24 ~~(F) subsection (h) of Section 401 by delivering or~~
25 ~~possessing with intent to deliver a controlled,~~
26 ~~counterfeit, or look alike substance in or on, or within~~

1 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
2 ~~of a Class 3 felony, the fine for which shall not exceed~~
3 ~~\$75,000;~~

4 (3) (Blank). ~~Any person who violates paragraph (2) of this~~
5 ~~subsection (a) by delivering or possessing with intent to~~
6 ~~deliver a controlled, counterfeit, or look alike substance in~~
7 ~~or on, or within 1,000 feet of a truck stop or a safety rest~~
8 ~~area, following a prior conviction or convictions of paragraph~~
9 ~~(2) of this subsection (a) may be sentenced to a term of~~
10 ~~imprisonment up to 2 times the maximum term and fined an amount~~
11 ~~up to 2 times the amount otherwise authorized by Section 401.~~

12 (4) (Blank). ~~For the purposes of this subsection (a):~~

13 ~~(A) "Safety rest area" means a roadside facility~~
14 ~~removed from the roadway with parking and facilities~~
15 ~~designed for motorists' rest, comfort, and information~~
16 ~~needs; and~~

17 ~~(B) "Truck stop" means any facility (and its parking~~
18 ~~areas) used to provide fuel or service, or both, to any~~
19 ~~commercial motor vehicle as defined in Section 18b 101 of~~
20 ~~the Illinois Vehicle Code.~~

21 (b) Any person who violates any subsection of Section 401
22 or subsection (b) of Section 404 in any school, or any
23 conveyance owned, leased or contracted by a school to transport
24 students to or from school or a school-related activity, or
25 public park, on the real property comprising any school, or
26 within 500 feet of the real property comprising any school,

1 while persons under 18 years of age are present, during school
2 hours, or at times when persons under 18 years of age are
3 reasonably expected to be present, shall be sentenced to a
4 class of offense that is one class higher than the sentence
5 otherwise authorized by the pertinent subsection of Section 401
6 or subsection (b) of Section 404. If the sentence otherwise
7 authorized by the pertinent subsection of Section 401 or
8 subsection (b) of Section 404 is a Class 1 felony for which the
9 person may be sentenced to a term of imprisonment of not less
10 than 4 years and not more than 15 years, the penalty for an
11 offense under this Section is a Class 1 felony for which the
12 person may be sentenced to a term of imprisonment of not less
13 than 6 years and not more than 30 years. If the sentence
14 otherwise authorized by the pertinent subsection of Section 401
15 or subsection (b) of Section 404 is a Class 1 felony for which
16 the person may be sentenced to a term of imprisonment of not
17 less than 6 years and not more than 30 years, the penalty for
18 an offense under this Section is a Class 1 felony for which the
19 person may be sentenced to a term of imprisonment of not less
20 than 9 years and not more than 40 years.+

21 ~~(1) subsection (c) of Section 401 in any school, or any~~
22 ~~conveyance owned, leased or contracted by a school to~~
23 ~~transport students to or from school or a school related~~
24 ~~activity, or residential property owned, operated or~~
25 ~~managed by a public housing agency or leased by a public~~
26 ~~housing agency as part of a scattered site or mixed income~~

1 ~~development, or public park, on the real property~~
2 ~~comprising any school or residential property owned,~~
3 ~~operated or managed by a public housing agency or leased by~~
4 ~~a public housing agency as part of a scattered site or~~
5 ~~mixed income development, or public park or within 1,000~~
6 ~~feet of the real property comprising any school or~~
7 ~~residential property owned, operated or managed by a public~~
8 ~~housing agency or leased by a public housing agency as part~~
9 ~~of a scattered site or mixed income development, or public~~
10 ~~park, on the real property comprising any church,~~
11 ~~synagogue, or other building, structure, or place used~~
12 ~~primarily for religious worship, or within 1,000 feet of~~
13 ~~the real property comprising any church, synagogue, or~~
14 ~~other building, structure, or place used primarily for~~
15 ~~religious worship, on the real property comprising any of~~
16 ~~the following places, buildings, or structures used~~
17 ~~primarily for housing or providing space for activities for~~
18 ~~senior citizens: nursing homes, assisted living centers,~~
19 ~~senior citizen housing complexes, or senior centers~~
20 ~~oriented toward daytime activities, or within 1,000 feet of~~
21 ~~the real property comprising any of the following places,~~
22 ~~buildings, or structures used primarily for housing or~~
23 ~~providing space for activities for senior citizens:~~
24 ~~nursing homes, assisted living centers, senior citizen~~
25 ~~housing complexes, or senior centers oriented toward~~
26 ~~daytime activities is guilty of a Class X felony, the fine~~

1 ~~for which shall not exceed \$500,000;~~

2 ~~(2) subsection (d) of Section 401 in any school, or any~~
3 ~~conveyance owned, leased or contracted by a school to~~
4 ~~transport students to or from school or a school related~~
5 ~~activity, or residential property owned, operated or~~
6 ~~managed by a public housing agency or leased by a public~~
7 ~~housing agency as part of a scattered site or mixed income~~
8 ~~development, or public park, on the real property~~
9 ~~comprising any school or residential property owned,~~
10 ~~operated or managed by a public housing agency or leased by~~
11 ~~a public housing agency as part of a scattered site or~~
12 ~~mixed income development, or public park or within 1,000~~
13 ~~feet of the real property comprising any school or~~
14 ~~residential property owned, operated or managed by a public~~
15 ~~housing agency or leased by a public housing agency as part~~
16 ~~of a scattered site or mixed income development, or public~~
17 ~~park, on the real property comprising any church,~~
18 ~~synagogue, or other building, structure, or place used~~
19 ~~primarily for religious worship, or within 1,000 feet of~~
20 ~~the real property comprising any church, synagogue, or~~
21 ~~other building, structure, or place used primarily for~~
22 ~~religious worship, on the real property comprising any of~~
23 ~~the following places, buildings, or structures used~~
24 ~~primarily for housing or providing space for activities for~~
25 ~~senior citizens: nursing homes, assisted living centers,~~
26 ~~senior citizen housing complexes, or senior centers~~

1 ~~oriented toward daytime activities, or within 1,000 feet of~~
2 ~~the real property comprising any of the following places,~~
3 ~~buildings, or structures used primarily for housing or~~
4 ~~providing space for activities for senior citizens:~~
5 ~~nursing homes, assisted living centers, senior citizen~~
6 ~~housing complexes, or senior centers oriented toward~~
7 ~~daytime activities is guilty of a Class 1 felony, the fine~~
8 ~~for which shall not exceed \$250,000;~~

9 ~~(3) subsection (c) of Section 401 or Subsection (b) of~~
10 ~~Section 404 in any school, or any conveyance owned, leased~~
11 ~~or contracted by a school to transport students to or from~~
12 ~~school or a school related activity, or residential~~
13 ~~property owned, operated or managed by a public housing~~
14 ~~agency or leased by a public housing agency as part of a~~
15 ~~scattered site or mixed income development, or public~~
16 ~~park, on the real property comprising any school or~~
17 ~~residential property owned, operated or managed by a public~~
18 ~~housing agency or leased by a public housing agency as part~~
19 ~~of a scattered site or mixed income development, or public~~
20 ~~park or within 1,000 feet of the real property comprising~~
21 ~~any school or residential property owned, operated or~~
22 ~~managed by a public housing agency or leased by a public~~
23 ~~housing agency as part of a scattered site or mixed income~~
24 ~~development, or public park, on the real property~~
25 ~~comprising any church, synagogue, or other building,~~
26 ~~structure, or place used primarily for religious worship,~~

1 ~~or within 1,000 feet of the real property comprising any~~
2 ~~church, synagogue, or other building, structure, or place~~
3 ~~used primarily for religious worship, on the real property~~
4 ~~comprising any of the following places, buildings, or~~
5 ~~structures used primarily for housing or providing space~~
6 ~~for activities for senior citizens: nursing homes,~~
7 ~~assisted living centers, senior citizen housing complexes,~~
8 ~~or senior centers oriented toward daytime activities, or~~
9 ~~within 1,000 feet of the real property comprising any of~~
10 ~~the following places, buildings, or structures used~~
11 ~~primarily for housing or providing space for activities for~~
12 ~~senior citizens: nursing homes, assisted living centers,~~
13 ~~senior citizen housing complexes, or senior centers~~
14 ~~oriented toward daytime activities is guilty of a Class 2~~
15 ~~felony, the fine for which shall not exceed \$200,000;~~

16 ~~(4) subsection (f) of Section 401 in any school, or any~~
17 ~~conveyance owned, leased or contracted by a school to~~
18 ~~transport students to or from school or a school related~~
19 ~~activity, or residential property owned, operated or~~
20 ~~managed by a public housing agency or leased by a public~~
21 ~~housing agency as part of a scattered site or mixed income~~
22 ~~development, or public park, on the real property~~
23 ~~comprising any school or residential property owned,~~
24 ~~operated or managed by a public housing agency or leased by~~
25 ~~a public housing agency as part of a scattered site or~~
26 ~~mixed income development, or public park or within 1,000~~

1 ~~feet of the real property comprising any school or~~
2 ~~residential property owned, operated or managed by a public~~
3 ~~housing agency or leased by a public housing agency as part~~
4 ~~of a scattered site or mixed income development, or public~~
5 ~~park, on the real property comprising any church,~~
6 ~~synagogue, or other building, structure, or place used~~
7 ~~primarily for religious worship, or within 1,000 feet of~~
8 ~~the real property comprising any church, synagogue, or~~
9 ~~other building, structure, or place used primarily for~~
10 ~~religious worship, on the real property comprising any of~~
11 ~~the following places, buildings, or structures used~~
12 ~~primarily for housing or providing space for activities for~~
13 ~~senior citizens: nursing homes, assisted living centers,~~
14 ~~senior citizen housing complexes, or senior centers~~
15 ~~oriented toward daytime activities, or within 1,000 feet of~~
16 ~~the real property comprising any of the following places,~~
17 ~~buildings, or structures used primarily for housing or~~
18 ~~providing space for activities for senior citizens:~~
19 ~~nursing homes, assisted living centers, senior citizen~~
20 ~~housing complexes, or senior centers oriented toward~~
21 ~~daytime activities is guilty of a Class 2 felony, the fine~~
22 ~~for which shall not exceed \$150,000;~~

23 ~~(5) subsection (g) of Section 401 in any school, or any~~
24 ~~conveyance owned, leased or contracted by a school to~~
25 ~~transport students to or from school or a school related~~
26 ~~activity, or residential property owned, operated or~~

1 ~~managed by a public housing agency or leased by a public~~
2 ~~housing agency as part of a scattered site or mixed income~~
3 ~~development, or public park, on the real property~~
4 ~~comprising any school or residential property owned,~~
5 ~~operated or managed by a public housing agency or leased by~~
6 ~~a public housing agency as part of a scattered site or~~
7 ~~mixed income development, or public park or within 1,000~~
8 ~~feet of the real property comprising any school or~~
9 ~~residential property owned, operated or managed by a public~~
10 ~~housing agency or leased by a public housing agency as part~~
11 ~~of a scattered site or mixed income development, or public~~
12 ~~park, on the real property comprising any church,~~
13 ~~synagogue, or other building, structure, or place used~~
14 ~~primarily for religious worship, or within 1,000 feet of~~
15 ~~the real property comprising any church, synagogue, or~~
16 ~~other building, structure, or place used primarily for~~
17 ~~religious worship, on the real property comprising any of~~
18 ~~the following places, buildings, or structures used~~
19 ~~primarily for housing or providing space for activities for~~
20 ~~senior citizens: nursing homes, assisted living centers,~~
21 ~~senior citizen housing complexes, or senior centers~~
22 ~~oriented toward daytime activities, or within 1,000 feet of~~
23 ~~the real property comprising any of the following places,~~
24 ~~buildings, or structures used primarily for housing or~~
25 ~~providing space for activities for senior citizens:~~
26 ~~nursing homes, assisted living centers, senior citizen~~

1 ~~housing complexes, or senior centers oriented toward~~
2 ~~daytime activities is guilty of a Class 2 felony, the fine~~
3 ~~for which shall not exceed \$125,000;~~

4 ~~(6) subsection (h) of Section 401 in any school, or any~~
5 ~~conveyance owned, leased or contracted by a school to~~
6 ~~transport students to or from school or a school related~~
7 ~~activity, or residential property owned, operated or~~
8 ~~managed by a public housing agency or leased by a public~~
9 ~~housing agency as part of a scattered site or mixed income~~
10 ~~development, or public park, on the real property~~
11 ~~comprising any school or residential property owned,~~
12 ~~operated or managed by a public housing agency or leased by~~
13 ~~a public housing agency as part of a scattered site or~~
14 ~~mixed income development, or public park or within 1,000~~
15 ~~feet of the real property comprising any school or~~
16 ~~residential property owned, operated or managed by a public~~
17 ~~housing agency or leased by a public housing agency as part~~
18 ~~of a scattered site or mixed income development, or public~~
19 ~~park, on the real property comprising any church,~~
20 ~~synagogue, or other building, structure, or place used~~
21 ~~primarily for religious worship, or within 1,000 feet of~~
22 ~~the real property comprising any church, synagogue, or~~
23 ~~other building, structure, or place used primarily for~~
24 ~~religious worship, on the real property comprising any of~~
25 ~~the following places, buildings, or structures used~~
26 ~~primarily for housing or providing space for activities for~~

1 ~~senior citizens: nursing homes, assisted living centers,~~
2 ~~senior citizen housing complexes, or senior centers~~
3 ~~oriented toward daytime activities, or within 1,000 feet of~~
4 ~~the real property comprising any of the following places,~~
5 ~~buildings, or structures used primarily for housing or~~
6 ~~providing space for activities for senior citizens:~~
7 ~~nursing homes, assisted living centers, senior citizen~~
8 ~~housing complexes, or senior centers oriented toward~~
9 ~~daytime activities is guilty of a Class 2 felony, the fine~~
10 ~~for which shall not exceed \$100,000.~~

11 (c) (Blank) ~~Regarding penalties prescribed in subsection~~
12 ~~(b) for violations committed in a school or on or within 1,000~~
13 ~~feet of school property, the time of day, time of year and~~
14 ~~whether classes were currently in session at the time of the~~
15 ~~offense is irrelevant.~~

16 (Source: P.A. 93-223, eff. 1-1-04; 94-556, eff. 9-11-05.)

17 (720 ILCS 570/407.1) (from Ch. 56 1/2, par. 1407.1)

18 Sec. 407.1. Any person 18 years of age or over who violates
19 any subsection of Section 401 or ~~Section 404 or Section 405~~
20 by using, engaging or employing a person under 18 years of age
21 to deliver a controlled, counterfeit or look-alike substance
22 may, at the discretion of the court, be sentenced to a maximum
23 term of imprisonment that is equal to the maximum term of
24 imprisonment for the underlying offense plus the minimum term
25 of imprisonment for the underlying offense ~~for a term up to~~

1 ~~three times the maximum amount authorized by the pertinent~~
2 ~~subsection of Section 401, Section 404 or Section 405.~~

3 (Source: P.A. 91-297, eff. 1-1-00.)

4 (720 ILCS 570/407.2) (from Ch. 56 1/2, par. 1407.2)

5 Sec. 407.2. Delivery of a controlled substance to a
6 pregnant woman.

7 (a) Any person who violates any subsection ~~(a)~~ of Section
8 401 of this Act by delivering a controlled substance to a woman
9 he knows to be pregnant may, at the discretion of the court, be
10 sentenced to a maximum term of imprisonment that is equal to
11 the maximum term of imprisonment for the underlying offense
12 plus the minimum term of imprisonment for the underlying
13 offense ~~a term twice the maximum amount authorized by Section~~
14 ~~401 of this Act.~~

15 (b) (Blank). ~~Any person who delivers an amount of a~~
16 ~~controlled substance set forth in subsections (c) and (d) of~~
17 ~~Section 401 of this Act to a woman he knows to be pregnant~~
18 ~~commits a Class 1 felony. The fine for a violation of this~~
19 ~~subsection (b) shall not be more than \$250,000.~~

20 (Source: P.A. 86-1459; 87-754.)

21 (720 ILCS 570/405 rep.)

22 (720 ILCS 570/405.1 rep.)

23 (720 ILCS 570/408 rep.)

24 Section 20. The Illinois Controlled Substances Act is

1 amended by repealing Sections 405, 405.1, and 408.

2 Section 25. The Methamphetamine Control and Community
3 Protection Act is amended by changing Sections 15, 20, 25, 30,
4 35, 40, 45, 50, 55, 56, and 60 and by adding Sections 55.1,
5 55.2, 55.3, 55.4, and 55.5 as follows:

6 (720 ILCS 646/15)

7 Sec. 15. Participation in methamphetamine manufacturing.

8 (a) Participation in methamphetamine manufacturing.

9 (1) It is unlawful to knowingly participate in the
10 manufacture of methamphetamine with the intent that
11 methamphetamine or a substance containing methamphetamine
12 be produced.

13 (2) A person who violates paragraph (1) of this
14 subsection (a) is subject to the following penalties:

15 (A) A person who participates in the manufacture of
16 less than 15 grams of methamphetamine or a substance
17 containing methamphetamine is guilty of a Class 2 ~~4~~
18 felony.

19 (B) A person who participates in the manufacture of
20 15 or more grams but less than 100 grams of
21 methamphetamine or a substance containing
22 methamphetamine is guilty of a Class 1 ~~*~~ felony,
23 ~~subject to a term of imprisonment of not less than 6~~
24 ~~years and not more than 30 years,~~ and subject to a fine

1 not to exceed \$100,000 or the street value of the
2 methamphetamine manufactured, whichever is greater.

3 (C) A person who participates in the manufacture of
4 100 or more grams but less than 400 grams of
5 methamphetamine or a substance containing
6 methamphetamine is guilty of a Class 1 ~~*~~ felony, for
7 which the person may be sentenced ~~subject~~ to a term of
8 imprisonment of not less than 6 ~~9~~ years and not more
9 than 30 ~~40~~ years, and subject to a fine not to exceed
10 \$200,000 or the street value of the methamphetamine
11 manufactured, whichever is greater.

12 (D) A person who participates in the manufacture of
13 400 or more grams but less than 900 grams of
14 methamphetamine or a substance containing
15 methamphetamine is guilty of a Class 1 ~~*~~ felony, for
16 which the person may be sentenced ~~subject~~ to a term of
17 imprisonment of not less than 6 ~~12~~ years and not more
18 than 30 ~~50~~ years, and subject to a fine not to exceed
19 \$300,000 or the street value of the methamphetamine
20 manufactured, whichever is greater.

21 (E) A person who participates in the manufacture of
22 900 grams or more of methamphetamine or a substance
23 containing methamphetamine is guilty of a Class 1 ~~*~~
24 felony, for which the person may be sentenced ~~subject~~
25 to a term of imprisonment of not less than 6 ~~15~~ years
26 and not more than 30 ~~60~~ years, and subject to a fine

1 not to exceed \$400,000 or the street value of the
2 methamphetamine, whichever is greater.

3 (b) Aggravated participation in methamphetamine
4 manufacturing.

5 (1) It is unlawful to engage in aggravated
6 participation in the manufacture of methamphetamine. A
7 person engages in aggravated participation in the
8 manufacture of methamphetamine when the person violates
9 paragraph (1) of subsection (a) and:

10 (A) the person knowingly does so in a multi-unit
11 dwelling;

12 (B) the person knowingly does so in a structure or
13 vehicle where a child under the age of 18, a person
14 with a disability, or a person 60 years of age or older
15 who is incapable of adequately providing for his or her
16 own health and personal care resides, is present, or is
17 endangered by the manufacture of methamphetamine;

18 (C) the person does so in a structure or vehicle
19 where a woman the person knows to be pregnant
20 (including but not limited to the person herself)
21 resides, is present, or is endangered by the
22 methamphetamine manufacture;

23 (D) the person knowingly does so in a structure or
24 vehicle protected by one or more ~~firearms,~~ explosive
25 devices, booby traps, ~~alarm systems,~~ ~~surveillance~~
26 ~~systems,~~ ~~guard dogs,~~ or dangerous animals;

1 (E) the methamphetamine manufacturing in which the
2 person participates is a contributing cause of the
3 death, serious bodily injury, disability, or
4 disfigurement of another person, including but not
5 limited to an emergency service provider;

6 (F) the methamphetamine manufacturing in which the
7 person participates is a contributing cause of a fire
8 or explosion that damages property belonging to
9 another person;

10 (G) the person knowingly organizes, directs, or
11 finances the methamphetamine manufacturing or
12 activities carried out in support of the
13 methamphetamine manufacturing; or

14 (H) the methamphetamine manufacturing occurs
15 within 1,000 feet of a place of worship or parsonage,
16 or within 1,000 feet of the real property comprising
17 any school.

18 (2) A person who violates paragraph (1) of this
19 subsection (b) is subject to the following penalties:

20 (A) A person who participates in the manufacture of
21 less than 15 grams of methamphetamine or a substance
22 containing methamphetamine is guilty of a Class 1 ~~✕~~
23 ~~felony, subject to a term of imprisonment of not less~~
24 ~~than 6 years and not more than 30 years,~~ and subject to
25 a fine not to exceed \$100,000 or the street value of
26 the methamphetamine, whichever is greater.

1 (B) A person who participates in the manufacture of
2 15 or more grams but less than 100 grams of
3 methamphetamine or a substance containing
4 methamphetamine is guilty of a Class 1 ~~2~~ felony, for
5 which the person may be sentenced ~~subject~~ to a term of
6 imprisonment of not less than 6 ~~9~~ years and not more
7 than 30 ~~40~~ years, and subject to a fine not to exceed
8 \$200,000 or the street value of the methamphetamine,
9 whichever is greater.

10 (C) A person who participates in the manufacture of
11 100 or more grams but less than 400 grams of
12 methamphetamine or a substance containing
13 methamphetamine is guilty of a Class 1 ~~2~~ felony, for
14 which the person may be sentenced ~~subject~~ to a term of
15 imprisonment of not less than 6 ~~12~~ years and not more
16 than 30 ~~50~~ years, and subject to a fine not to exceed
17 \$300,000 or the street value of the methamphetamine,
18 whichever is greater.

19 (D) A person who participates in the manufacture of
20 400 grams or more of methamphetamine or a substance
21 containing methamphetamine is guilty of a Class 1 ~~2~~
22 felony, for which the person may be sentenced ~~subject~~
23 to a term of imprisonment of not less than 6 ~~15~~ years
24 and not more than 30 ~~60~~ years, and subject to a fine
25 not to exceed \$400,000 or the street value of the
26 methamphetamine, whichever is greater.

1 (Source: P.A. 98-980, eff. 1-1-15.)

2 (720 ILCS 646/20)

3 Sec. 20. Methamphetamine precursor.

4 (a) Methamphetamine precursor or substance containing any
5 methamphetamine precursor ~~in standard dosage form~~.

6 (1) It is unlawful to knowingly possess, procure,
7 transport, store, or deliver any methamphetamine precursor
8 or substance containing any methamphetamine precursor ~~in~~
9 ~~standard dosage form~~ with the intent that it be used to
10 manufacture methamphetamine or a substance containing
11 methamphetamine.

12 (2) A person who violates paragraph (1) of this
13 subsection (a) is subject to the following penalties:

14 (A) A person who possesses, procures, transports,
15 stores, or delivers less than 15 grams of
16 methamphetamine precursor or substance containing any
17 methamphetamine precursor is guilty of a Class 4 ~~2~~
18 felony.

19 (B) A person who possesses, procures, transports,
20 stores, or delivers 15 or more grams but less than 30
21 grams of methamphetamine precursor or substance
22 containing any methamphetamine precursor is guilty of
23 a Class 3 ~~4~~ felony.

24 (C) A person who possesses, procures, transports,
25 stores, or delivers 30 or more grams but less than 150

1 grams of methamphetamine precursor or substance
2 containing any methamphetamine precursor is guilty of
3 a Class 2 * felony, ~~subject to a term of imprisonment~~
4 ~~of not less than 6 years and not more than 30 years,~~
5 and subject to a fine not to exceed \$100,000.

6 (D) A person who possesses, procures, transports,
7 stores, or delivers 150 or more grams but less than 500
8 grams of methamphetamine precursor or substance
9 containing any methamphetamine precursor is guilty of
10 a Class 1 * felony, ~~subject to a term of imprisonment~~
11 ~~of not less than 8 years and not more than 40 years,~~
12 and subject to a fine not to exceed \$200,000.

13 (E) A person who possesses, procures, transports,
14 stores, or delivers 500 or more grams of
15 methamphetamine precursor or substance containing any
16 methamphetamine precursor is guilty of a Class 1 *
17 felony, for which the person may be sentenced ~~subject~~
18 to a term of imprisonment of not less than 6 ~~10~~ years
19 and not more than 30 ~~50~~ years, and subject to a fine
20 not to exceed \$300,000.

21 (b) (Blank). ~~Methamphetamine precursor or substance~~
22 ~~containing any methamphetamine precursor in any form other than~~
23 ~~a standard dosage form.~~

24 ~~(1) It is unlawful to knowingly possess, procure,~~
25 ~~transport, store, or deliver any methamphetamine precursor~~
26 ~~or substance containing any methamphetamine precursor in~~

1 ~~any form other than a standard dosage form with the intent~~
2 ~~that it be used to manufacture methamphetamine or a~~
3 ~~substance containing methamphetamine.~~

4 ~~(2) A person who violates paragraph (1) of this~~
5 ~~subsection (b) is subject to the following penalties:~~

6 ~~(A) A person who violates paragraph (1) of this~~
7 ~~subsection (b) with the intent that less than 10 grams~~
8 ~~of methamphetamine or a substance containing~~
9 ~~methamphetamine be manufactured is guilty of a Class 2~~
10 ~~felony.~~

11 ~~(B) A person who violates paragraph (1) of this~~
12 ~~subsection (b) with the intent that 10 or more grams~~
13 ~~but less than 20 grams of methamphetamine or a~~
14 ~~substance containing methamphetamine be manufactured~~
15 ~~is guilty of a Class 1 felony.~~

16 ~~(C) A person who violates paragraph (1) of this~~
17 ~~subsection (b) with the intent that 20 or more grams~~
18 ~~but less than 100 grams of methamphetamine or a~~
19 ~~substance containing methamphetamine be manufactured~~
20 ~~is guilty of a Class X felony, subject to a term of~~
21 ~~imprisonment of not less than 6 years and not more than~~
22 ~~30 years, and subject to a fine not to exceed \$100,000.~~

23 ~~(D) A person who violates paragraph (1) of this~~
24 ~~subsection (b) with the intent that 100 or more grams~~
25 ~~but less than 350 grams of methamphetamine or a~~
26 ~~substance containing methamphetamine be manufactured~~

1 ~~is guilty of a Class X felony, subject to a term of~~
2 ~~imprisonment of not less than 8 years and not more than~~
3 ~~40 years, and subject to a fine not to exceed \$200,000.~~

4 ~~(E) A person who violates paragraph (1) of this~~
5 ~~subsection (b) with the intent that 350 or more grams~~
6 ~~of methamphetamine or a substance containing~~
7 ~~methamphetamine be manufactured is guilty of a Class X~~
8 ~~felony, subject to a term of imprisonment of not less~~
9 ~~than 10 years and not more than 50 years, and subject~~
10 ~~to a fine not to exceed \$300,000.~~

11 (c) Rule of evidence. The presence of any methamphetamine
12 precursor in a sealed, factory imprinted container, including,
13 but not limited to, a bottle, box, package, or blister pack, at
14 the time of seizure by law enforcement, is prima facie evidence
15 that the methamphetamine precursor located within the
16 container is in fact the material so described and in the
17 amount listed on the container. The factory imprinted container
18 is admissible for a violation of this Act for purposes of
19 proving the contents of the container.

20 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

21 (720 ILCS 646/25)

22 Sec. 25. Anhydrous ammonia.

23 (a) Possession, procurement, transportation, storage, or
24 delivery of anhydrous ammonia with the intent that it be used
25 to manufacture methamphetamine.

1 (1) It is unlawful to knowingly engage in the
2 possession, procurement, transportation, storage, or
3 delivery of anhydrous ammonia or to attempt to engage in
4 any of these activities or to assist another in engaging in
5 any of these activities with the intent that the anhydrous
6 ammonia be used to manufacture methamphetamine.

7 (2) A person who violates paragraph (1) of this
8 subsection (a) is guilty of a Class 2 ~~1~~ felony.

9 (b) Aggravated possession, procurement, transportation,
10 storage, or delivery of anhydrous ammonia with the intent that
11 it be used to manufacture methamphetamine.

12 (1) It is unlawful to knowingly engage in the
13 aggravated possession, procurement, transportation,
14 storage, or delivery of anhydrous ammonia with the intent
15 that it be used to manufacture methamphetamine. A person
16 commits this offense when the person engages in the
17 possession, procurement, transportation, storage, or
18 delivery of anhydrous ammonia or attempts to engage in any
19 of these activities or assists another in engaging in any
20 of these activities with the intent that the anhydrous
21 ammonia be used to manufacture methamphetamine and:

22 (A) the person knowingly does so in a multi-unit
23 dwelling;

24 (B) the person knowingly does so in a structure or
25 vehicle where a child under the age of 18, or a person
26 with a disability, or a person who is 60 years of age

1 or older who is incapable of adequately providing for
2 his or her own health and personal care resides, is
3 present, or is endangered by the anhydrous ammonia;

4 (C) the person's possession, procurement,
5 transportation, storage, or delivery of anhydrous
6 ammonia is a contributing cause of the death, serious
7 bodily injury, disability, or disfigurement of another
8 person; or

9 (D) the person's possession, procurement,
10 transportation, storage, or delivery of anhydrous
11 ammonia is a contributing cause of a fire or explosion
12 that damages property belonging to another person.

13 (2) A person who violates paragraph (1) of this
14 subsection (b) is guilty of a Class 1 * felony, ~~subject to~~
15 ~~a term of imprisonment of not less than 6 years and not~~
16 ~~more than 30 years,~~ and subject to a fine not to exceed
17 \$100,000.

18 (c) Possession, procurement, transportation, storage, or
19 delivery of anhydrous ammonia in an unauthorized container.

20 (1) It is unlawful to knowingly possess, procure,
21 transport, store, or deliver anhydrous ammonia in an
22 unauthorized container.

23 (1.5) (Blank) ~~It is unlawful to attempt to possess,~~
24 ~~procure, transport, store, or deliver anhydrous ammonia in~~
25 ~~an unauthorized container.~~

26 (2) A person who violates paragraph (1) of this

1 subsection (c) is guilty of a Class 4 ~~3~~ felony. ~~A person~~
2 ~~who violates paragraph (1.5) of this subsection (c) is~~
3 ~~guilty of a Class 4 felony.~~

4 (3) Affirmative defense. It is an affirmative defense
5 that the person charged possessed, procured, transported,
6 stored, or delivered anhydrous ammonia in a manner that
7 substantially complied with the rules governing anhydrous
8 ammonia equipment found in 8 Illinois Administrative Code
9 Section 215, in 92 Illinois Administrative Code Sections
10 171 through 180, or in any provision of the Code of Federal
11 Regulations incorporated by reference into these Sections
12 of the Illinois Administrative Code.

13 (d) Tampering with anhydrous ammonia equipment.

14 (1) It is unlawful to knowingly tamper with anhydrous
15 ammonia equipment. A person tampers with anhydrous ammonia
16 equipment when, without authorization from the lawful
17 owner, the person:

18 (A) removes or attempts to remove anhydrous
19 ammonia from the anhydrous ammonia equipment used by
20 the lawful owner;

21 (B) damages or attempts to damage the anhydrous
22 ammonia equipment used by the lawful owner; or

23 (C) vents or attempts to vent anhydrous ammonia
24 into the environment.

25 (2) A person who violates paragraph (1) of this
26 subsection (d) is guilty of a Class 3 felony.

1 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06;
2 95-690, eff. 1-1-08.)

3 (720 ILCS 646/30)

4 Sec. 30. Methamphetamine manufacturing material.

5 (a) It is unlawful to knowingly engage in the possession,
6 procurement, transportation, storage, or delivery of any
7 methamphetamine manufacturing material, other than a
8 methamphetamine precursor, substance containing a
9 methamphetamine precursor, or anhydrous ammonia, with the
10 intent that it be used to manufacture methamphetamine.

11 (b) A person who violates subsection (a) of this Section is
12 guilty of a Class 3 ~~2~~ felony.

13 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

14 (720 ILCS 646/35)

15 Sec. 35. Use of property.

16 (a) It is unlawful for a person knowingly to use or allow
17 the use of a vehicle, a structure, real property, or personal
18 property within the person's control to help bring about a
19 violation of this Act.

20 (b) A person who violates subsection (a) of this Section is
21 guilty of a Class 3 ~~2~~ felony.

22 (Source: P.A. 94-556, eff. 9-11-05.)

23 (720 ILCS 646/40)

1 Sec. 40. Protection of methamphetamine manufacturing.

2 (a) It is unlawful to engage in the protection of
3 methamphetamine manufacturing. A person engages in the
4 protection of methamphetamine manufacturing when:

5 (1) the person knows that others have been
6 participating, are participating, or will be participating
7 in the manufacture of methamphetamine; and

8 (2) with the intent to help prevent detection of or
9 interference with the methamphetamine manufacturing, the
10 person serves as a lookout for or guard of the
11 methamphetamine manufacturing.

12 (b) A person who violates subsection (a) of this Section is
13 guilty of a Class 3 ~~2~~ felony.

14 (Source: P.A. 94-556, eff. 9-11-05.)

15 (720 ILCS 646/45)

16 Sec. 45. Methamphetamine manufacturing waste.

17 (a) It is unlawful to knowingly burn, place in a trash
18 receptacle, or dispose of methamphetamine manufacturing waste,
19 knowing that the waste was used in the manufacturing of
20 methamphetamine.

21 (b) A person who violates subsection (a) of this Section is
22 guilty of a Class 3 ~~2~~ felony.

23 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

24 (720 ILCS 646/50)

1 Sec. 50. Methamphetamine-related child endangerment.

2 (a) Methamphetamine-related child endangerment.

3 (1) It is unlawful to engage in
4 methamphetamine-related child endangerment. A person
5 engages in methamphetamine-related child endangerment when
6 the person knowingly endangers the life and health of a
7 child by exposing or allowing exposure of the child to a
8 methamphetamine manufacturing environment.

9 (2) A person who violates paragraph (1) of this
10 subsection (a) is guilty of a Class 2 felony.

11 (b) Aggravated methamphetamine-related child endangerment.

12 (1) It is unlawful to engage in aggravated
13 methamphetamine-related child endangerment. A person
14 engages in aggravated methamphetamine-related child
15 endangerment when the person violates paragraph (1) of this
16 subsection (a) of this Section and the child experiences
17 death, great bodily harm, disability, or disfigurement as a
18 result of the methamphetamine-related child endangerment.

19 (2) A person who violates paragraph (1) of this
20 subsection (b) is guilty of a Class 1 * felony, ~~subject to~~
21 ~~a term of imprisonment of not less than 6 years and not~~
22 ~~more than 30 years,~~ and subject to a fine not to exceed
23 \$100,000.

24 (Source: P.A. 94-556, eff. 9-11-05.)

25 (720 ILCS 646/55)

1 Sec. 55. Methamphetamine delivery.

2 (a) Delivery or possession with intent to deliver
3 methamphetamine or a substance containing methamphetamine.

4 (1) It is unlawful knowingly to engage in the delivery
5 or possession with intent to deliver methamphetamine or a
6 substance containing methamphetamine.

7 (2) A person who violates paragraph (1) of this
8 subsection (a) is subject to the following penalties:

9 (A) A person who delivers or possesses with intent
10 to deliver less than one gram ~~5 grams~~ of
11 methamphetamine or a substance containing
12 methamphetamine is guilty of a Class 4 ~~2~~ felony.

13 (B) A person who delivers or possesses with intent
14 to deliver one ~~5~~ or more grams but less than 15 grams
15 of methamphetamine or a substance containing
16 methamphetamine is guilty of a Class 3 ~~1~~ felony.

17 (C) A person who delivers or possesses with intent
18 to deliver 15 or more grams but less than 100 grams of
19 methamphetamine or a substance containing
20 methamphetamine is guilty of a Class 2 ~~*~~ felony,
21 ~~subject to a term of imprisonment of not less than 6~~
22 ~~years and not more than 30 years,~~ and subject to a fine
23 not to exceed \$100,000 or the street value of the
24 methamphetamine, whichever is greater.

25 (D) A person who delivers or possesses with intent
26 to deliver 100 or more grams but less than 400 grams of

1 methamphetamine or a substance containing
2 methamphetamine is guilty of a Class 1 ~~✕~~ felony,
3 ~~subject to a term of imprisonment of not less than 9~~
4 ~~years and not more than 40 years,~~ and subject to a fine
5 not to exceed \$200,000 or the street value of the
6 methamphetamine, whichever is greater.

7 (E) A person who delivers or possesses with intent
8 to deliver 400 or more grams but less than 900 grams of
9 methamphetamine or a substance containing
10 methamphetamine is guilty of a Class 1 ~~✕~~ felony,
11 ~~subject to a term of imprisonment of not less than 12~~
12 ~~years and not more than 50 years,~~ and subject to a fine
13 not to exceed \$300,000 or the street value of the
14 methamphetamine, whichever is greater.

15 (F) A person who delivers or possesses with intent
16 to deliver 900 or more grams of methamphetamine or a
17 substance containing methamphetamine is guilty of a
18 Class 1 ~~✕~~ felony, for which the person may be sentenced
19 ~~subject~~ to a term of imprisonment of not less than 6 ~~15~~
20 years and not more than 30 ~~60~~ years, and subject to a
21 fine not to exceed \$400,000 or the street value of the
22 methamphetamine, whichever is greater.

23 (b) (Blank). ~~Aggravated delivery or possession with intent~~
24 ~~to deliver methamphetamine or a substance containing~~
25 ~~methamphetamine.~~

26 ~~(1) It is unlawful to engage in the aggravated delivery~~

1 ~~or possession with intent to deliver methamphetamine or a~~
2 ~~substance containing methamphetamine. A person engages in~~
3 ~~the aggravated delivery or possession with intent to~~
4 ~~deliver methamphetamine or a substance containing~~
5 ~~methamphetamine when the person violates paragraph (1) of~~
6 ~~subsection (a) of this Section and:~~

7 ~~(A) the person is at least 18 years of age and~~
8 ~~knowingly delivers or possesses with intent to deliver~~
9 ~~the methamphetamine or substance containing~~
10 ~~methamphetamine to a person under 18 years of age;~~

11 ~~(B) the person is at least 18 years of age and~~
12 ~~knowingly uses, engages, employs, or causes another~~
13 ~~person to use, engage, or employ a person under 18~~
14 ~~years of age to deliver the methamphetamine or~~
15 ~~substance containing methamphetamine;~~

16 ~~(C) the person knowingly delivers or possesses~~
17 ~~with intent to deliver the methamphetamine or~~
18 ~~substance containing methamphetamine in any structure~~
19 ~~or vehicle protected by one or more firearms, explosive~~
20 ~~devices, booby traps, alarm systems, surveillance~~
21 ~~systems, guard dogs, or dangerous animals;~~

22 ~~(D) the person knowingly delivers or possesses~~
23 ~~with intent to deliver the methamphetamine or~~
24 ~~substance containing methamphetamine in any school, on~~
25 ~~any real property comprising any school, or in any~~
26 ~~conveyance owned, leased, or contracted by a school to~~

1 ~~transport students to or from school or a~~
2 ~~school-related activity;~~

3 ~~(E) the person delivers or causes another person to~~
4 ~~deliver the methamphetamine or substance containing~~
5 ~~methamphetamine to a woman that the person knows to be~~
6 ~~pregnant; or~~

7 ~~(F) (blank).~~

8 ~~(2) A person who violates paragraph (1) of this~~
9 ~~subsection (b) is subject to the following penalties:~~

10 ~~(A) A person who delivers or possesses with intent~~
11 ~~to deliver less than 5 grams of methamphetamine or a~~
12 ~~substance containing methamphetamine is guilty of a~~
13 ~~Class 1 felony.~~

14 ~~(B) A person who delivers or possesses with intent~~
15 ~~to deliver 5 or more grams but less than 15 grams of~~
16 ~~methamphetamine or a substance containing~~
17 ~~methamphetamine is guilty of a Class X felony, subject~~
18 ~~to a term of imprisonment of not less than 6 years and~~
19 ~~not more than 30 years, and subject to a fine not to~~
20 ~~exceed \$100,000 or the street value of the~~
21 ~~methamphetamine, whichever is greater.~~

22 ~~(C) A person who delivers or possesses with intent~~
23 ~~to deliver 15 or more grams but less than 100 grams of~~
24 ~~methamphetamine or a substance containing~~
25 ~~methamphetamine is guilty of a Class X felony, subject~~
26 ~~to a term of imprisonment of not less than 8 years and~~

1 ~~not more than 40 years, and subject to a fine not to~~
2 ~~exceed \$200,000 or the street value of the~~
3 ~~methamphetamine, whichever is greater.~~

4 ~~(D) A person who delivers or possesses with intent~~
5 ~~to deliver 100 or more grams of methamphetamine or a~~
6 ~~substance containing methamphetamine is guilty of a~~
7 ~~Class X felony, subject to a term of imprisonment of~~
8 ~~not less than 10 years and not more than 50 years, and~~
9 ~~subject to a fine not to exceed \$300,000 or the street~~
10 ~~value of the methamphetamine, whichever is greater.~~

11 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

12 (720 ILCS 646/55.1 new)

13 Sec. 55.1. Methamphetamine delivery by a person at least 18
14 years of age to a person under 18 years of age. Any person who
15 is at least 18 years of age who violates any subsection of
16 Section 55 by delivering methamphetamine or substance
17 containing methamphetamine to a person under 18 years of age
18 may, at the discretion of the court, be sentenced to a maximum
19 term of imprisonment that is equal to the maximum term of
20 imprisonment for the underlying offense plus the minimum term
21 of imprisonment for the underlying offense.

22 (720 ILCS 646/55.2 new)

23 Sec. 55.2. Employing person under 18 years of age to
24 deliver methamphetamine. Any person who is at least 18 years of

1 age who violates any subsection of Section 55 by using,
2 engaging, or employing, or causing another person to use,
3 engage, or employ a person under 18 years of age to deliver
4 methamphetamine or substance containing methamphetamine may,
5 at the discretion of the court, be sentenced to a maximum term
6 of imprisonment that is equal to the maximum term of
7 imprisonment for the underlying offense plus the minimum term
8 of imprisonment for the underlying offense.

9 (720 ILCS 646/55.3 new)

10 Sec. 55.3. Delivery of methamphetamine or possession with
11 intent to deliver methamphetamine-protected structure or
12 vehicle. Any person who violates any subsection of Section 55
13 by knowingly delivering or possessing with intent to deliver
14 methamphetamine or substance containing methamphetamine in any
15 structure or vehicle protected by one or more explosive
16 devices, booby traps, or dangerous animals may, at the
17 discretion of the court, be sentenced to a maximum term of
18 imprisonment that is equal to the maximum term of imprisonment
19 for the underlying offense plus the minimum term of
20 imprisonment for the underlying offense.

21 (720 ILCS 646/55.4 new)

22 Sec. 55.4. Methamphetamine delivery or possession with
23 intent to deliver methamphetamine on school grounds. Any person
24 who violates any subsection of Section 55 by delivering or

1 possessing with intent to deliver methamphetamine or substance
2 containing methamphetamine in any school, on any real property
3 comprising any school, or in any conveyance owned, leased, or
4 contracted by a school to transport students to or from school
5 or a school-related activity shall be sentenced to a class of
6 offense that is one class higher than the sentence otherwise
7 authorized by the pertinent subsection of Section 55. If the
8 sentence otherwise authorized by the pertinent subsection of
9 Section 55 is a Class 1 felony for which the person may be
10 sentenced to a term of imprisonment of not less than 4 years
11 and not more than 15 years, the penalty for an offense under
12 this Section is a Class 1 felony for which the person may be
13 sentenced to a term of imprisonment of not less than 6 years
14 and not more than 30 years. If the sentence otherwise
15 authorized by the pertinent subsection of Section 55 is a Class
16 1 felony for which the person may be sentenced to a term of
17 imprisonment of not less than 6 years and not more than 30
18 years, the penalty for an offense under this Section is a Class
19 1 felony for which the person may be sentenced to a term of
20 imprisonment of not less than 9 years and not more than 40
21 years.

22 (720 ILCS 646/55.5 new)

23 Sec. 55.5. Methamphetamine delivery to pregnant woman. Any
24 person who violates any subsection of Section 55 by delivering
25 or causing to be delivered methamphetamine or substance

1 containing methamphetamine to a woman that the person knows to
2 be pregnant may, at the discretion of the court, be sentenced
3 to a maximum term of imprisonment that is equal to the maximum
4 term of imprisonment for the underlying offense plus the
5 minimum term of imprisonment for the underlying offense.

6 (720 ILCS 646/56)

7 Sec. 56. Methamphetamine trafficking.

8 (a) Except for purposes as authorized by this Act, any
9 person who knowingly brings, or causes to be brought, into this
10 State 400 grams or more of methamphetamine or 500 grams or more
11 of ~~, anhydrous ammonia, or~~ a methamphetamine precursor or any
12 amount of anhydrous ammonia for the purpose of manufacture or
13 delivery of methamphetamine or with the intent to manufacture
14 or deliver methamphetamine is guilty of methamphetamine
15 trafficking.

16 (a-5) A person convicted of methamphetamine trafficking
17 shall be sentenced as authorized by Section 55 of this Act,
18 based upon the amount of the methamphetamine brought or caused
19 to be brought into this State, if the person at sentencing
20 proves by a preponderance of the evidence that he or she:

21 (1) received little or no compensation from the illegal
22 transport of the methamphetamine into this State and had
23 minimal knowledge of the scope and structure of the
24 enterprise to manufacture or deliver the methamphetamine
25 transported; or

1 (2) was not involved in the organization or planning of
2 the enterprise to manufacture or deliver the
3 methamphetamine transported.

4 (b) Except as otherwise provided in subsection (a-5), a ~~A~~
5 person convicted of methamphetamine trafficking shall be
6 ~~sentenced to a term of imprisonment of not less than twice the~~
7 ~~minimum term and not more than twice the maximum term of~~
8 ~~imprisonment~~ based upon the amount of methamphetamine brought
9 or caused to be brought into this State, as provided in
10 ~~subsection (a) of Section 55 of this Act~~ that is one class
11 higher than the underlying offense. If the underlying offense
12 is a Class 1 felony for which the offender may be sentenced to
13 a term of imprisonment of not less than 6 years and not more
14 than 30 years, the penalty for methamphetamine trafficking is a
15 Class 1 felony for which the person may be sentenced to a term
16 of imprisonment of not less 9 years and not more than 40 years.

17 (c) (Blank) ~~A person convicted of methamphetamine~~
18 ~~trafficking based upon a methamphetamine precursor shall be~~
19 ~~sentenced to a term of imprisonment of not less than twice the~~
20 ~~minimum term and not more than twice the maximum term of~~
21 ~~imprisonment based upon the amount of methamphetamine~~
22 ~~precursor provided in subsection (a) or (b) of Section 20 of~~
23 ~~this Act brought or caused to be brought into this State.~~

24 (d) A person convicted of methamphetamine trafficking
25 based upon anhydrous ammonia under paragraph (1) of subsection
26 (a) of Section 25 of this Act is guilty of a Class 1 felony

1 ~~shall be sentenced to a term of imprisonment of not less than~~
2 ~~twice the minimum term and not more than twice the maximum term~~
3 ~~of imprisonment provided in paragraph (1) of subsection (a) of~~
4 ~~Section 25 of this Act.~~

5 (Source: P.A. 94-830, eff. 6-5-06.)

6 (720 ILCS 646/60)

7 Sec. 60. Methamphetamine possession.

8 (a) It is unlawful knowingly to possess methamphetamine or
9 a substance containing methamphetamine.

10 (b) A person who violates subsection (a) is subject to the
11 following penalties:

12 (1) A person who possesses less than one gram ~~5 grams~~
13 of methamphetamine or a substance containing
14 methamphetamine is guilty of a Class A misdemeanor ~~3~~
15 ~~felony~~.

16 (2) A person who possesses one ~~5~~ or more grams but less
17 than 15 grams of methamphetamine or a substance containing
18 methamphetamine is guilty of a Class 4 ~~2~~ felony.

19 (3) A person who possesses 15 or more grams but less
20 than 100 grams of methamphetamine or a substance containing
21 methamphetamine is guilty of a Class 3 ~~1~~ felony.

22 (4) A person who possesses 100 or more grams but less
23 than 400 grams of methamphetamine or a substance containing
24 methamphetamine is guilty of a Class 2 ~~1~~ felony, ~~subject to~~
25 ~~a term of imprisonment of not less than 6 years and not~~

1 ~~more than 30 years~~, and subject to a fine not to exceed
2 \$100,000.

3 (5) A person who possesses 400 or more grams but less
4 than 900 grams of methamphetamine or a substance containing
5 methamphetamine is guilty of a Class 1 * felony, ~~subject to~~
6 ~~a term of imprisonment of not less than 8 years and not~~
7 ~~more than 40 years~~, and subject to a fine not to exceed
8 \$200,000.

9 (6) A person who possesses 900 or more grams of
10 methamphetamine or a substance containing methamphetamine
11 is guilty of a Class 1 * felony, ~~subject to a term of~~
12 ~~imprisonment of not less than 10 years and not more than 50~~
13 ~~years~~, and subject to a fine not to exceed \$300,000.

14 (Source: P.A. 94-556, eff. 9-11-05.)

15 (720 ILCS 646/65 rep.)

16 (720 ILCS 646/100 rep.)

17 Section 30. The Methamphetamine Control and Community
18 Protection Act is amended by repealing Sections 65 and 100.

19 Section 35. The Unified Code of Corrections is amended by
20 changing Sections 5-4-1, 5-4.5-95, 5-5-3 and 5-8-2 as follows:

21 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

22 Sec. 5-4-1. Sentencing Hearing.

23 (a) Except when the death penalty is sought under hearing

1 procedures otherwise specified, after a determination of
2 guilt, a hearing shall be held to impose the sentence. However,
3 prior to the imposition of sentence on an individual being
4 sentenced for an offense based upon a charge for a violation of
5 Section 11-501 of the Illinois Vehicle Code or a similar
6 provision of a local ordinance, the individual must undergo a
7 professional evaluation to determine if an alcohol or other
8 drug abuse problem exists and the extent of such a problem.
9 Programs conducting these evaluations shall be licensed by the
10 Department of Human Services. However, if the individual is not
11 a resident of Illinois, the court may, in its discretion,
12 accept an evaluation from a program in the state of such
13 individual's residence. The court may in its sentencing order
14 approve an eligible defendant for placement in a Department of
15 Corrections impact incarceration program as provided in
16 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
17 order recommend a defendant for placement in a Department of
18 Corrections substance abuse treatment program as provided in
19 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
20 upon the defendant being accepted in a program by the
21 Department of Corrections. At the hearing the court shall:

22 (1) consider the evidence, if any, received upon the
23 trial;

24 (2) consider any presentence reports;

25 (3) consider the financial impact of incarceration
26 based on the financial impact statement filed with the

1 clerk of the court by the Department of Corrections;

2 (4) consider evidence and information offered by the
3 parties in aggravation and mitigation;

4 (4.5) consider substance abuse treatment, eligibility
5 screening, and an assessment, if any, of the defendant by
6 an agent designated by the State of Illinois to provide
7 assessment services for the Illinois courts;

8 (5) hear arguments as to sentencing alternatives;

9 (6) afford the defendant the opportunity to make a
10 statement in his own behalf;

11 (7) afford the victim of a violent crime or a violation
12 of Section 11-501 of the Illinois Vehicle Code, or a
13 similar provision of a local ordinance, or a qualified
14 individual affected by: (i) a violation of Section ~~405~~
15 ~~405.1~~, 405.2~~7~~ or 407 of the Illinois Controlled Substances
16 Act or a violation of Section 55 ~~or Section 65~~ of the
17 Methamphetamine Control and Community Protection Act, or
18 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
19 except as described in subdivisions (a)(2)(A) and
20 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
21 Criminal Code of 1961 or the Criminal Code of 2012,
22 committed by the defendant the opportunity to make a
23 statement concerning the impact on the victim and to offer
24 evidence in aggravation or mitigation; provided that the
25 statement and evidence offered in aggravation or
26 mitigation must first be prepared in writing in conjunction

1 with the State's Attorney before it may be presented orally
2 at the hearing. Any sworn testimony offered by the victim
3 is subject to the defendant's right to cross-examine. All
4 statements and evidence offered under this paragraph (7)
5 shall become part of the record of the court. For the
6 purpose of this paragraph (7), "qualified individual"
7 means any person who (i) lived or worked within the
8 territorial jurisdiction where the offense took place when
9 the offense took place; and (ii) is familiar with various
10 public places within the territorial jurisdiction where
11 the offense took place when the offense took place. For the
12 purposes of this paragraph (7), "qualified individual"
13 includes any peace officer, or any member of any duly
14 organized State, county, or municipal peace unit assigned
15 to the territorial jurisdiction where the offense took
16 place when the offense took place;

17 (8) in cases of reckless homicide afford the victim's
18 spouse, guardians, parents or other immediate family
19 members an opportunity to make oral statements;

20 (9) in cases involving a felony sex offense as defined
21 under the Sex Offender Management Board Act, consider the
22 results of the sex offender evaluation conducted pursuant
23 to Section 5-3-2 of this Act; and

24 (10) make a finding of whether a motor vehicle was used
25 in the commission of the offense for which the defendant is
26 being sentenced.

1 (b) All sentences shall be imposed by the judge based upon
2 his independent assessment of the elements specified above and
3 any agreement as to sentence reached by the parties. The judge
4 who presided at the trial or the judge who accepted the plea of
5 guilty shall impose the sentence unless he is no longer sitting
6 as a judge in that court. Where the judge does not impose
7 sentence at the same time on all defendants who are convicted
8 as a result of being involved in the same offense, the
9 defendant or the State's Attorney may advise the sentencing
10 court of the disposition of any other defendants who have been
11 sentenced.

12 (c) In imposing a sentence for a violent crime or for an
13 offense of operating or being in physical control of a vehicle
14 while under the influence of alcohol, any other drug or any
15 combination thereof, or a similar provision of a local
16 ordinance, when such offense resulted in the personal injury to
17 someone other than the defendant, the trial judge shall specify
18 on the record the particular evidence, information, factors in
19 mitigation and aggravation or other reasons that led to his
20 sentencing determination. The full verbatim record of the
21 sentencing hearing shall be filed with the clerk of the court
22 and shall be a public record.

23 (c-1) In imposing a sentence for the offense of aggravated
24 kidnapping for ransom, home invasion, armed robbery,
25 aggravated vehicular hijacking, aggravated discharge of a
26 firearm, or armed violence with a category I weapon or category

1 II weapon, the trial judge shall make a finding as to whether
2 the conduct leading to conviction for the offense resulted in
3 great bodily harm to a victim, and shall enter that finding and
4 the basis for that finding in the record.

5 (c-2) If the defendant is sentenced to prison, other than
6 when a sentence of natural life imprisonment or a sentence of
7 death is imposed, at the time the sentence is imposed the judge
8 shall state on the record in open court the approximate period
9 of time the defendant will serve in custody according to the
10 then current statutory rules and regulations for sentence
11 credit found in Section 3-6-3 and other related provisions of
12 this Code. This statement is intended solely to inform the
13 public, has no legal effect on the defendant's actual release,
14 and may not be relied on by the defendant on appeal.

15 The judge's statement, to be given after pronouncing the
16 sentence, other than when the sentence is imposed for one of
17 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
18 shall include the following:

19 "The purpose of this statement is to inform the public of
20 the actual period of time this defendant is likely to spend in
21 prison as a result of this sentence. The actual period of
22 prison time served is determined by the statutes of Illinois as
23 applied to this sentence by the Illinois Department of
24 Corrections and the Illinois Prisoner Review Board. In this
25 case, assuming the defendant receives all of his or her
26 sentence credit, the period of estimated actual custody is ...

1 years and ... months, less up to 180 days additional sentence
2 credit for good conduct. If the defendant, because of his or
3 her own misconduct or failure to comply with the institutional
4 regulations, does not receive those credits, the actual time
5 served in prison will be longer. The defendant may also receive
6 an additional one-half day sentence credit for each day of
7 participation in vocational, industry, substance abuse, and
8 educational programs as provided for by Illinois statute."

9 When the sentence is imposed for one of the offenses
10 enumerated in paragraph (a)(3) of Section 3-6-3, other than
11 when the sentence is imposed for one of the offenses enumerated
12 in paragraph (a)(2) of Section 3-6-3 committed on or after June
13 19, 1998, and other than when the sentence is imposed for
14 reckless homicide as defined in subsection (e) of Section 9-3
15 of the Criminal Code of 1961 or the Criminal Code of 2012 if
16 the offense was committed on or after January 1, 1999, and
17 other than when the sentence is imposed for aggravated arson if
18 the offense was committed on or after July 27, 2001 (the
19 effective date of Public Act 92-176), and other than when the
20 sentence is imposed for aggravated driving under the influence
21 of alcohol, other drug or drugs, or intoxicating compound or
22 compounds, or any combination thereof as defined in
23 subparagraph (C) of paragraph (1) of subsection (d) of Section
24 11-501 of the Illinois Vehicle Code committed on or after
25 January 1, 2011 (the effective date of Public Act 96-1230), the
26 judge's statement, to be given after pronouncing the sentence,

1 shall include the following:

2 "The purpose of this statement is to inform the public of
3 the actual period of time this defendant is likely to spend in
4 prison as a result of this sentence. The actual period of
5 prison time served is determined by the statutes of Illinois as
6 applied to this sentence by the Illinois Department of
7 Corrections and the Illinois Prisoner Review Board. In this
8 case, assuming the defendant receives all of his or her
9 sentence credit, the period of estimated actual custody is ...
10 years and ... months, less up to 90 days additional sentence
11 credit for good conduct. If the defendant, because of his or
12 her own misconduct or failure to comply with the institutional
13 regulations, does not receive those credits, the actual time
14 served in prison will be longer. The defendant may also receive
15 an additional one-half day sentence credit for each day of
16 participation in vocational, industry, substance abuse, and
17 educational programs as provided for by Illinois statute."

18 When the sentence is imposed for one of the offenses
19 enumerated in paragraph (a)(2) of Section 3-6-3, other than
20 first degree murder, and the offense was committed on or after
21 June 19, 1998, and when the sentence is imposed for reckless
22 homicide as defined in subsection (e) of Section 9-3 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 if the
24 offense was committed on or after January 1, 1999, and when the
25 sentence is imposed for aggravated driving under the influence
26 of alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof as defined in
2 subparagraph (F) of paragraph (1) of subsection (d) of Section
3 11-501 of the Illinois Vehicle Code, and when the sentence is
4 imposed for aggravated arson if the offense was committed on or
5 after July 27, 2001 (the effective date of Public Act 92-176),
6 and when the sentence is imposed for aggravated driving under
7 the influence of alcohol, other drug or drugs, or intoxicating
8 compound or compounds, or any combination thereof as defined in
9 subparagraph (C) of paragraph (1) of subsection (d) of Section
10 11-501 of the Illinois Vehicle Code committed on or after
11 January 1, 2011 (the effective date of Public Act 96-1230), the
12 judge's statement, to be given after pronouncing the sentence,
13 shall include the following:

14 "The purpose of this statement is to inform the public of
15 the actual period of time this defendant is likely to spend in
16 prison as a result of this sentence. The actual period of
17 prison time served is determined by the statutes of Illinois as
18 applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, the defendant is entitled to no more than 4 1/2 days of
21 sentence credit for each month of his or her sentence of
22 imprisonment. Therefore, this defendant will serve at least 85%
23 of his or her sentence. Assuming the defendant receives 4 1/2
24 days credit for each month of his or her sentence, the period
25 of estimated actual custody is ... years and ... months. If the
26 defendant, because of his or her own misconduct or failure to

1 comply with the institutional regulations receives lesser
2 credit, the actual time served in prison will be longer."

3 When a sentence of imprisonment is imposed for first degree
4 murder and the offense was committed on or after June 19, 1998,
5 the judge's statement, to be given after pronouncing the
6 sentence, shall include the following:

7 "The purpose of this statement is to inform the public of
8 the actual period of time this defendant is likely to spend in
9 prison as a result of this sentence. The actual period of
10 prison time served is determined by the statutes of Illinois as
11 applied to this sentence by the Illinois Department of
12 Corrections and the Illinois Prisoner Review Board. In this
13 case, the defendant is not entitled to sentence credit.
14 Therefore, this defendant will serve 100% of his or her
15 sentence."

16 When the sentencing order recommends placement in a
17 substance abuse program for any offense that results in
18 incarceration in a Department of Corrections facility and the
19 crime was committed on or after September 1, 2003 (the
20 effective date of Public Act 93-354), the judge's statement, in
21 addition to any other judge's statement required under this
22 Section, to be given after pronouncing the sentence, shall
23 include the following:

24 "The purpose of this statement is to inform the public of
25 the actual period of time this defendant is likely to spend in
26 prison as a result of this sentence. The actual period of

1 prison time served is determined by the statutes of Illinois as
2 applied to this sentence by the Illinois Department of
3 Corrections and the Illinois Prisoner Review Board. In this
4 case, the defendant shall receive no sentence credit for good
5 conduct under clause (3) of subsection (a) of Section 3-6-3
6 until he or she participates in and completes a substance abuse
7 treatment program or receives a waiver from the Director of
8 Corrections pursuant to clause (4.5) of subsection (a) of
9 Section 3-6-3."

10 (c-4) Before the sentencing hearing and as part of the
11 presentence investigation under Section 5-3-1, the court shall
12 inquire of the defendant whether the defendant is currently
13 serving in or is a veteran of the Armed Forces of the United
14 States. If the defendant is currently serving in the Armed
15 Forces of the United States or is a veteran of the Armed Forces
16 of the United States and has been diagnosed as having a mental
17 illness by a qualified psychiatrist or clinical psychologist or
18 physician, the court may:

19 (1) order that the officer preparing the presentence
20 report consult with the United States Department of
21 Veterans Affairs, Illinois Department of Veterans'
22 Affairs, or another agency or person with suitable
23 knowledge or experience for the purpose of providing the
24 court with information regarding treatment options
25 available to the defendant, including federal, State, and
26 local programming; and

1 (2) consider the treatment recommendations of any
2 diagnosing or treating mental health professionals
3 together with the treatment options available to the
4 defendant in imposing sentence.

5 For the purposes of this subsection (c-4), "qualified
6 psychiatrist" means a reputable physician licensed in Illinois
7 to practice medicine in all its branches, who has specialized
8 in the diagnosis and treatment of mental and nervous disorders
9 for a period of not less than 5 years.

10 (c-6) In imposing a sentence, the trial judge shall
11 specify, on the record, the particular evidence and other
12 reasons which led to his or her determination that a motor
13 vehicle was used in the commission of the offense.

14 (d) When the defendant is committed to the Department of
15 Corrections, the State's Attorney shall and counsel for the
16 defendant may file a statement with the clerk of the court to
17 be transmitted to the department, agency or institution to
18 which the defendant is committed to furnish such department,
19 agency or institution with the facts and circumstances of the
20 offense for which the person was committed together with all
21 other factual information accessible to them in regard to the
22 person prior to his commitment relative to his habits,
23 associates, disposition and reputation and any other facts and
24 circumstances which may aid such department, agency or
25 institution during its custody of such person. The clerk shall
26 within 10 days after receiving any such statements transmit a

1 copy to such department, agency or institution and a copy to
2 the other party, provided, however, that this shall not be
3 cause for delay in conveying the person to the department,
4 agency or institution to which he has been committed.

5 (e) The clerk of the court shall transmit to the
6 department, agency or institution, if any, to which the
7 defendant is committed, the following:

8 (1) the sentence imposed;

9 (2) any statement by the court of the basis for
10 imposing the sentence;

11 (3) any presentence reports;

12 (3.5) any sex offender evaluations;

13 (3.6) any substance abuse treatment eligibility
14 screening and assessment of the defendant by an agent
15 designated by the State of Illinois to provide assessment
16 services for the Illinois courts;

17 (4) the number of days, if any, which the defendant has
18 been in custody and for which he is entitled to credit
19 against the sentence, which information shall be provided
20 to the clerk by the sheriff;

21 (4.1) any finding of great bodily harm made by the
22 court with respect to an offense enumerated in subsection
23 (c-1);

24 (5) all statements filed under subsection (d) of this
25 Section;

26 (6) any medical or mental health records or summaries

1 of the defendant;

2 (7) the municipality where the arrest of the offender
3 or the commission of the offense has occurred, where such
4 municipality has a population of more than 25,000 persons;

5 (8) all statements made and evidence offered under
6 paragraph (7) of subsection (a) of this Section; and

7 (9) all additional matters which the court directs the
8 clerk to transmit.

9 (f) In cases in which the court finds that a motor vehicle
10 was used in the commission of the offense for which the
11 defendant is being sentenced, the clerk of the court shall,
12 within 5 days thereafter, forward a report of such conviction
13 to the Secretary of State.

14 (Source: P.A. 96-86, eff. 1-1-10; 96-1180, eff. 1-1-11;
15 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333, eff.
16 8-12-11; 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

17 (730 ILCS 5/5-4.5-95)

18 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

19 (a) HABITUAL CRIMINALS.

20 (1) Every person who has been twice convicted in any
21 state or federal court of an offense that contains the same
22 elements as an offense now (the date of the offense
23 committed after the 2 prior convictions) classified in
24 Illinois as a Class X felony, criminal sexual assault,
25 aggravated kidnapping, or first degree murder, and who is

1 thereafter convicted of a Class X felony, criminal sexual
2 assault, or first degree murder, committed after the 2
3 prior convictions, shall be adjudged an habitual criminal.

4 (2) The 2 prior convictions need not have been for the
5 same offense.

6 (3) Any convictions that result from or are connected
7 with the same transaction, or result from offenses
8 committed at the same time, shall be counted for the
9 purposes of this Section as one conviction.

10 (4) This Section does not apply unless each of the
11 following requirements are satisfied:

12 (A) The third offense was committed after July 3,
13 1980.

14 (B) The third offense was committed within 20 years
15 of the date that judgment was entered on the first
16 conviction; provided, however, that time spent in
17 custody shall not be counted.

18 (C) The third offense was committed after
19 conviction on the second offense.

20 (D) The second offense was committed after
21 conviction on the first offense.

22 (5) Anyone who, having attained the age of 18 at the
23 time of the third offense, is adjudged an habitual criminal
24 shall be sentenced to a term of natural life imprisonment.

25 (6) A prior conviction shall not be alleged in the
26 indictment, and no evidence or other disclosure of that

1 conviction shall be presented to the court or the jury
2 during the trial of an offense set forth in this Section
3 unless otherwise permitted by the issues properly raised in
4 that trial. After a plea or verdict or finding of guilty
5 and before sentence is imposed, the prosecutor may file
6 with the court a verified written statement signed by the
7 State's Attorney concerning any former conviction of an
8 offense set forth in this Section rendered against the
9 defendant. The court shall then cause the defendant to be
10 brought before it; shall inform the defendant of the
11 allegations of the statement so filed, and of his or her
12 right to a hearing before the court on the issue of that
13 former conviction and of his or her right to counsel at
14 that hearing; and unless the defendant admits such
15 conviction, shall hear and determine the issue, and shall
16 make a written finding thereon. If a sentence has
17 previously been imposed, the court may vacate that sentence
18 and impose a new sentence in accordance with this Section.

19 (7) A duly authenticated copy of the record of any
20 alleged former conviction of an offense set forth in this
21 Section shall be prima facie evidence of that former
22 conviction; and a duly authenticated copy of the record of
23 the defendant's final release or discharge from probation
24 granted, or from sentence and parole supervision (if any)
25 imposed pursuant to that former conviction, shall be prima
26 facie evidence of that release or discharge.

1 (8) Any claim that a previous conviction offered by the
2 prosecution is not a former conviction of an offense set
3 forth in this Section because of the existence of any
4 exceptions described in this Section, is waived unless duly
5 raised at the hearing on that conviction, or unless the
6 prosecution's proof shows the existence of the exceptions
7 described in this Section.

8 (9) If the person so convicted shows to the
9 satisfaction of the court before whom that conviction was
10 had that he or she was released from imprisonment, upon
11 either of the sentences upon a pardon granted for the
12 reason that he or she was innocent, that conviction and
13 sentence shall not be considered under this Section.

14 (10) This subsection (a) does not apply to a violation
15 of the Cannabis Control Act, the Illinois Controlled
16 Substances Act, or the Methamphetamine Control and
17 Community Protection Act.

18 (b) When a defendant, over the age of 21 years, is
19 convicted of a Class 1 or Class 2 felony, after having twice
20 been convicted in any state or federal court of an offense that
21 contains the same elements as an offense now (the date the
22 Class 1 or Class 2 felony was committed) classified in Illinois
23 as a Class 2 or greater Class felony and those charges are
24 separately brought and tried and arise out of different series
25 of acts, that defendant shall be sentenced as a Class X
26 offender. This subsection does not apply unless:

1 (1) the first felony was committed after February 1,
2 1978 (the effective date of Public Act 80-1099);

3 (2) the second felony was committed after conviction on
4 the first; and

5 (3) the third felony was committed after conviction on
6 the second.

7 This subsection (b) does not apply to a violation of the
8 Cannabis Control Act, the Illinois Controlled Substances Act,
9 or the Methamphetamine Control and Community Protection Act.

10 A person sentenced as a Class X offender under this
11 subsection (b) is not eligible to apply for treatment as a
12 condition of probation as provided by Section 40-10 of the
13 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS
14 301/40-10).

15 (Source: P.A. 99-69, eff. 1-1-16.)

16 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

17 Sec. 5-5-3. Disposition.

18 (a) (Blank).

19 (b) (Blank).

20 (c) (1) (Blank).

21 (2) A period of probation, a term of periodic imprisonment
22 or conditional discharge shall not be imposed for the following
23 offenses. The court shall sentence the offender to not less
24 than the minimum term of imprisonment set forth in this Code
25 for the following offenses, and may order a fine or restitution

1 or both in conjunction with such term of imprisonment:

2 (A) First degree murder where the death penalty is not
3 imposed.

4 (B) Attempted first degree murder.

5 (C) A Class X felony.

6 (D) (Blank) ~~A violation of Section 401.1 or 407 of the~~
7 ~~Illinois Controlled Substances Act, or a violation of~~
8 ~~subdivision (c)(1.5) or (c)(2) of Section 401 of that Act~~
9 ~~which relates to more than 5 grams of a substance~~
10 ~~containing cocaine, fentanyl, or an analog thereof.~~

11 (D-5) (Blank) ~~A violation of subdivision (c)(1) of~~
12 ~~Section 401 of the Illinois Controlled Substances Act which~~
13 ~~relates to 3 or more grams of a substance containing heroin~~
14 ~~or an analog thereof.~~

15 (E) (Blank) ~~A violation of Section 5.1 or 9 of the~~
16 ~~Cannabis Control Act.~~

17 (F) A Class 2 or greater felony if the offender had
18 been convicted of a Class 2 or greater felony, including
19 any state or federal conviction for an offense that
20 contained, at the time it was committed, the same elements
21 as an offense now (the date of the offense committed after
22 the prior Class 2 or greater felony) classified as a Class
23 2 or greater felony, within 10 years of the date on which
24 the offender committed the offense for which he or she is
25 being sentenced, except as otherwise provided in Section
26 40-10 of the Alcoholism and Other Drug Abuse and Dependency

1 Act. This subparagraph (F) does not apply to a violation of
2 the Cannabis Control Act, the Illinois Controlled
3 Substances Act, or the Methamphetamine Control and
4 Community Protection Act.

5 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
6 the Criminal Code of 1961 or the Criminal Code of 2012 for
7 which imprisonment is prescribed in those Sections.

8 (G) Residential burglary, except as otherwise provided
9 in Section 40-10 of the Alcoholism and Other Drug Abuse and
10 Dependency Act.

11 (H) Criminal sexual assault.

12 (I) Aggravated battery of a senior citizen as described
13 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05
14 of the Criminal Code of 1961 or the Criminal Code of 2012.

15 (J) A forcible felony if the offense was related to the
16 activities of an organized gang.

17 Before July 1, 1994, for the purposes of this
18 paragraph, "organized gang" means an association of 5 or
19 more persons, with an established hierarchy, that
20 encourages members of the association to perpetrate crimes
21 or provides support to the members of the association who
22 do commit crimes.

23 Beginning July 1, 1994, for the purposes of this
24 paragraph, "organized gang" has the meaning ascribed to it
25 in Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act.

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the offense
3 of hate crime when the underlying offense upon which the
4 hate crime is based is felony aggravated assault or felony
5 mob action.

6 (M) A second or subsequent conviction for the offense
7 of institutional vandalism if the damage to the property
8 exceeds \$300.

9 (N) A Class 3 felony violation of paragraph (1) of
10 subsection (a) of Section 2 of the Firearm Owners
11 Identification Card Act.

12 (O) A violation of Section 12-6.1 or 12-6.5 of the
13 Criminal Code of 1961 or the Criminal Code of 2012.

14 (P) A violation of paragraph (1), (2), (3), (4), (5),
15 or (7) of subsection (a) of Section 11-20.1 of the Criminal
16 Code of 1961 or the Criminal Code of 2012.

17 (Q) A violation of subsection (b) or (b-5) of Section
18 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
19 Code of 1961 or the Criminal Code of 2012.

20 (R) A violation of Section 24-3A of the Criminal Code
21 of 1961 or the Criminal Code of 2012.

22 (S) (Blank).

23 (T) (Blank) ~~A second or subsequent violation of the~~
24 ~~Methamphetamine Control and Community Protection Act.~~

25 (U) A second or subsequent violation of Section 6-303
26 of the Illinois Vehicle Code committed while his or her

1 driver's license, permit, or privilege was revoked because
2 of a violation of Section 9-3 of the Criminal Code of 1961
3 or the Criminal Code of 2012, relating to the offense of
4 reckless homicide, or a similar provision of a law of
5 another state.

6 (V) A violation of paragraph (4) of subsection (c) of
7 Section 11-20.1B or paragraph (4) of subsection (c) of
8 Section 11-20.3 of the Criminal Code of 1961, or paragraph
9 (6) of subsection (a) of Section 11-20.1 of the Criminal
10 Code of 2012 when the victim is under 13 years of age and
11 the defendant has previously been convicted under the laws
12 of this State or any other state of the offense of child
13 pornography, aggravated child pornography, aggravated
14 criminal sexual abuse, aggravated criminal sexual assault,
15 predatory criminal sexual assault of a child, or any of the
16 offenses formerly known as rape, deviate sexual assault,
17 indecent liberties with a child, or aggravated indecent
18 liberties with a child where the victim was under the age
19 of 18 years or an offense that is substantially equivalent
20 to those offenses.

21 (W) A violation of Section 24-3.5 of the Criminal Code
22 of 1961 or the Criminal Code of 2012.

23 (X) A violation of subsection (a) of Section 31-1a of
24 the Criminal Code of 1961 or the Criminal Code of 2012.

25 (Y) A conviction for unlawful possession of a firearm
26 by a street gang member when the firearm was loaded or

1 contained firearm ammunition.

2 (Z) A Class 1 felony committed while he or she was
3 serving a term of probation or conditional discharge for a
4 felony.

5 (AA) Theft of property exceeding \$500,000 and not
6 exceeding \$1,000,000 in value.

7 (BB) Laundering of criminally derived property of a
8 value exceeding \$500,000.

9 (CC) Knowingly selling, offering for sale, holding for
10 sale, or using 2,000 or more counterfeit items or
11 counterfeit items having a retail value in the aggregate of
12 \$500,000 or more.

13 (DD) A conviction for aggravated assault under
14 paragraph (6) of subsection (c) of Section 12-2 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 if the
16 firearm is aimed toward the person against whom the firearm
17 is being used.

18 (3) (Blank).

19 (4) A minimum term of imprisonment of not less than 10
20 consecutive days or 30 days of community service shall be
21 imposed for a violation of paragraph (c) of Section 6-303 of
22 the Illinois Vehicle Code.

23 (4.1) (Blank).

24 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
25 this subsection (c), a minimum of 100 hours of community
26 service shall be imposed for a second violation of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.3) A minimum term of imprisonment of 30 days or 300
3 hours of community service, as determined by the court, shall
4 be imposed for a second violation of subsection (c) of Section
5 6-303 of the Illinois Vehicle Code.

6 (4.4) Except as provided in paragraphs (4.5), (4.6), and
7 (4.9) of this subsection (c), a minimum term of imprisonment of
8 30 days or 300 hours of community service, as determined by the
9 court, shall be imposed for a third or subsequent violation of
10 Section 6-303 of the Illinois Vehicle Code.

11 (4.5) A minimum term of imprisonment of 30 days shall be
12 imposed for a third violation of subsection (c) of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.6) Except as provided in paragraph (4.10) of this
15 subsection (c), a minimum term of imprisonment of 180 days
16 shall be imposed for a fourth or subsequent violation of
17 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

18 (4.7) A minimum term of imprisonment of not less than 30
19 consecutive days, or 300 hours of community service, shall be
20 imposed for a violation of subsection (a-5) of Section 6-303 of
21 the Illinois Vehicle Code, as provided in subsection (b-5) of
22 that Section.

23 (4.8) A mandatory prison sentence shall be imposed for a
24 second violation of subsection (a-5) of Section 6-303 of the
25 Illinois Vehicle Code, as provided in subsection (c-5) of that
26 Section. The person's driving privileges shall be revoked for a

1 period of not less than 5 years from the date of his or her
2 release from prison.

3 (4.9) A mandatory prison sentence of not less than 4 and
4 not more than 15 years shall be imposed for a third violation
5 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
6 Code, as provided in subsection (d-2.5) of that Section. The
7 person's driving privileges shall be revoked for the remainder
8 of his or her life.

9 (4.10) A mandatory prison sentence for a Class 1 felony
10 shall be imposed, and the person shall be eligible for an
11 extended term sentence, for a fourth or subsequent violation of
12 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
13 as provided in subsection (d-3.5) of that Section. The person's
14 driving privileges shall be revoked for the remainder of his or
15 her life.

16 (5) The court may sentence a corporation or unincorporated
17 association convicted of any offense to:

18 (A) a period of conditional discharge;

19 (B) a fine;

20 (C) make restitution to the victim under Section 5-5-6
21 of this Code.

22 (5.1) In addition to any other penalties imposed, and
23 except as provided in paragraph (5.2) or (5.3), a person
24 convicted of violating subsection (c) of Section 11-907 of the
25 Illinois Vehicle Code shall have his or her driver's license,
26 permit, or privileges suspended for at least 90 days but not

1 more than one year, if the violation resulted in damage to the
2 property of another person.

3 (5.2) In addition to any other penalties imposed, and
4 except as provided in paragraph (5.3), a person convicted of
5 violating subsection (c) of Section 11-907 of the Illinois
6 Vehicle Code shall have his or her driver's license, permit, or
7 privileges suspended for at least 180 days but not more than 2
8 years, if the violation resulted in injury to another person.

9 (5.3) In addition to any other penalties imposed, a person
10 convicted of violating subsection (c) of Section 11-907 of the
11 Illinois Vehicle Code shall have his or her driver's license,
12 permit, or privileges suspended for 2 years, if the violation
13 resulted in the death of another person.

14 (5.4) In addition to any other penalties imposed, a person
15 convicted of violating Section 3-707 of the Illinois Vehicle
16 Code shall have his or her driver's license, permit, or
17 privileges suspended for 3 months and until he or she has paid
18 a reinstatement fee of \$100.

19 (5.5) In addition to any other penalties imposed, a person
20 convicted of violating Section 3-707 of the Illinois Vehicle
21 Code during a period in which his or her driver's license,
22 permit, or privileges were suspended for a previous violation
23 of that Section shall have his or her driver's license, permit,
24 or privileges suspended for an additional 6 months after the
25 expiration of the original 3-month suspension and until he or
26 she has paid a reinstatement fee of \$100.

1 (6) (Blank).

2 (7) (Blank).

3 (8) (Blank).

4 (9) A defendant convicted of a second or subsequent offense
5 of ritualized abuse of a child may be sentenced to a term of
6 natural life imprisonment.

7 (10) (Blank).

8 (11) The court shall impose a minimum fine of \$1,000 for a
9 first offense and \$2,000 for a second or subsequent offense
10 upon a person convicted of or placed on supervision for battery
11 when the individual harmed was a sports official or coach at
12 any level of competition and the act causing harm to the sports
13 official or coach occurred within an athletic facility or
14 within the immediate vicinity of the athletic facility at which
15 the sports official or coach was an active participant of the
16 athletic contest held at the athletic facility. For the
17 purposes of this paragraph (11), "sports official" means a
18 person at an athletic contest who enforces the rules of the
19 contest, such as an umpire or referee; "athletic facility"
20 means an indoor or outdoor playing field or recreational area
21 where sports activities are conducted; and "coach" means a
22 person recognized as a coach by the sanctioning authority that
23 conducted the sporting event.

24 (12) A person may not receive a disposition of court
25 supervision for a violation of Section 5-16 of the Boat
26 Registration and Safety Act if that person has previously

1 received a disposition of court supervision for a violation of
2 that Section.

3 (13) A person convicted of or placed on court supervision
4 for an assault or aggravated assault when the victim and the
5 offender are family or household members as defined in Section
6 103 of the Illinois Domestic Violence Act of 1986 or convicted
7 of domestic battery or aggravated domestic battery may be
8 required to attend a Partner Abuse Intervention Program under
9 protocols set forth by the Illinois Department of Human
10 Services under such terms and conditions imposed by the court.
11 The costs of such classes shall be paid by the offender.

12 (d) In any case in which a sentence originally imposed is
13 vacated, the case shall be remanded to the trial court. The
14 trial court shall hold a hearing under Section 5-4-1 of the
15 Unified Code of Corrections which may include evidence of the
16 defendant's life, moral character and occupation during the
17 time since the original sentence was passed. The trial court
18 shall then impose sentence upon the defendant. The trial court
19 may impose any sentence which could have been imposed at the
20 original trial subject to Section 5-5-4 of the Unified Code of
21 Corrections. If a sentence is vacated on appeal or on
22 collateral attack due to the failure of the trier of fact at
23 trial to determine beyond a reasonable doubt the existence of a
24 fact (other than a prior conviction) necessary to increase the
25 punishment for the offense beyond the statutory maximum
26 otherwise applicable, either the defendant may be re-sentenced

1 to a term within the range otherwise provided or, if the State
2 files notice of its intention to again seek the extended
3 sentence, the defendant shall be afforded a new trial.

4 (e) In cases where prosecution for aggravated criminal
5 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
6 Code of 1961 or the Criminal Code of 2012 results in conviction
7 of a defendant who was a family member of the victim at the
8 time of the commission of the offense, the court shall consider
9 the safety and welfare of the victim and may impose a sentence
10 of probation only where:

11 (1) the court finds (A) or (B) or both are appropriate:

12 (A) the defendant is willing to undergo a court
13 approved counseling program for a minimum duration of 2
14 years; or

15 (B) the defendant is willing to participate in a
16 court approved plan including but not limited to the
17 defendant's:

18 (i) removal from the household;

19 (ii) restricted contact with the victim;

20 (iii) continued financial support of the
21 family;

22 (iv) restitution for harm done to the victim;

23 and

24 (v) compliance with any other measures that
25 the court may deem appropriate; and

26 (2) the court orders the defendant to pay for the

1 victim's counseling services, to the extent that the court
2 finds, after considering the defendant's income and
3 assets, that the defendant is financially capable of paying
4 for such services, if the victim was under 18 years of age
5 at the time the offense was committed and requires
6 counseling as a result of the offense.

7 Probation may be revoked or modified pursuant to Section
8 5-6-4; except where the court determines at the hearing that
9 the defendant violated a condition of his or her probation
10 restricting contact with the victim or other family members or
11 commits another offense with the victim or other family
12 members, the court shall revoke the defendant's probation and
13 impose a term of imprisonment.

14 For the purposes of this Section, "family member" and
15 "victim" shall have the meanings ascribed to them in Section
16 11-0.1 of the Criminal Code of 2012.

17 (f) (Blank).

18 (g) Whenever a defendant is convicted of an offense under
19 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
20 11-14.3, 11-14.4 except for an offense that involves keeping a
21 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
22 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
23 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, the defendant shall undergo medical
25 testing to determine whether the defendant has any sexually
26 transmissible disease, including a test for infection with

1 human immunodeficiency virus (HIV) or any other identified
2 causative agent of acquired immunodeficiency syndrome (AIDS).
3 Any such medical test shall be performed only by appropriately
4 licensed medical practitioners and may include an analysis of
5 any bodily fluids as well as an examination of the defendant's
6 person. Except as otherwise provided by law, the results of
7 such test shall be kept strictly confidential by all medical
8 personnel involved in the testing and must be personally
9 delivered in a sealed envelope to the judge of the court in
10 which the conviction was entered for the judge's inspection in
11 camera. Acting in accordance with the best interests of the
12 victim and the public, the judge shall have the discretion to
13 determine to whom, if anyone, the results of the testing may be
14 revealed. The court shall notify the defendant of the test
15 results. The court shall also notify the victim if requested by
16 the victim, and if the victim is under the age of 15 and if
17 requested by the victim's parents or legal guardian, the court
18 shall notify the victim's parents or legal guardian of the test
19 results. The court shall provide information on the
20 availability of HIV testing and counseling at Department of
21 Public Health facilities to all parties to whom the results of
22 the testing are revealed and shall direct the State's Attorney
23 to provide the information to the victim when possible. A
24 State's Attorney may petition the court to obtain the results
25 of any HIV test administered under this Section, and the court
26 shall grant the disclosure if the State's Attorney shows it is

1 relevant in order to prosecute a charge of criminal
2 transmission of HIV under Section 12-5.01 or 12-16.2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 against the
4 defendant. The court shall order that the cost of any such test
5 shall be paid by the county and may be taxed as costs against
6 the convicted defendant.

7 (g-5) When an inmate is tested for an airborne communicable
8 disease, as determined by the Illinois Department of Public
9 Health including but not limited to tuberculosis, the results
10 of the test shall be personally delivered by the warden or his
11 or her designee in a sealed envelope to the judge of the court
12 in which the inmate must appear for the judge's inspection in
13 camera if requested by the judge. Acting in accordance with the
14 best interests of those in the courtroom, the judge shall have
15 the discretion to determine what if any precautions need to be
16 taken to prevent transmission of the disease in the courtroom.

17 (h) Whenever a defendant is convicted of an offense under
18 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
19 defendant shall undergo medical testing to determine whether
20 the defendant has been exposed to human immunodeficiency virus
21 (HIV) or any other identified causative agent of acquired
22 immunodeficiency syndrome (AIDS). Except as otherwise provided
23 by law, the results of such test shall be kept strictly
24 confidential by all medical personnel involved in the testing
25 and must be personally delivered in a sealed envelope to the
26 judge of the court in which the conviction was entered for the

1 judge's inspection in camera. Acting in accordance with the
2 best interests of the public, the judge shall have the
3 discretion to determine to whom, if anyone, the results of the
4 testing may be revealed. The court shall notify the defendant
5 of a positive test showing an infection with the human
6 immunodeficiency virus (HIV). The court shall provide
7 information on the availability of HIV testing and counseling
8 at Department of Public Health facilities to all parties to
9 whom the results of the testing are revealed and shall direct
10 the State's Attorney to provide the information to the victim
11 when possible. A State's Attorney may petition the court to
12 obtain the results of any HIV test administered under this
13 Section, and the court shall grant the disclosure if the
14 State's Attorney shows it is relevant in order to prosecute a
15 charge of criminal transmission of HIV under Section 12-5.01 or
16 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
17 2012 against the defendant. The court shall order that the cost
18 of any such test shall be paid by the county and may be taxed as
19 costs against the convicted defendant.

20 (i) All fines and penalties imposed under this Section for
21 any violation of Chapters 3, 4, 6, and 11 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance, and
23 any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, shall be collected and
25 disbursed by the circuit clerk as provided under Section 27.5
26 of the Clerks of Courts Act.

1 (j) In cases when prosecution for any violation of Section
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
3 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
4 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
5 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
6 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
7 Code of 2012, any violation of the Illinois Controlled
8 Substances Act, any violation of the Cannabis Control Act, or
9 any violation of the Methamphetamine Control and Community
10 Protection Act results in conviction, a disposition of court
11 supervision, or an order of probation granted under Section 10
12 of the Cannabis Control Act, Section 410 of the Illinois
13 Controlled Substances Act, or Section 70 of the Methamphetamine
14 Control and Community Protection Act of a defendant, the court
15 shall determine whether the defendant is employed by a facility
16 or center as defined under the Child Care Act of 1969, a public
17 or private elementary or secondary school, or otherwise works
18 with children under 18 years of age on a daily basis. When a
19 defendant is so employed, the court shall order the Clerk of
20 the Court to send a copy of the judgment of conviction or order
21 of supervision or probation to the defendant's employer by
22 certified mail. If the employer of the defendant is a school,
23 the Clerk of the Court shall direct the mailing of a copy of
24 the judgment of conviction or order of supervision or probation
25 to the appropriate regional superintendent of schools. The
26 regional superintendent of schools shall notify the State Board

1 of Education of any notification under this subsection.

2 (j-5) A defendant at least 17 years of age who is convicted
3 of a felony and who has not been previously convicted of a
4 misdemeanor or felony and who is sentenced to a term of
5 imprisonment in the Illinois Department of Corrections shall as
6 a condition of his or her sentence be required by the court to
7 attend educational courses designed to prepare the defendant
8 for a high school diploma and to work toward a high school
9 diploma or to work toward passing high school equivalency
10 testing or to work toward completing a vocational training
11 program offered by the Department of Corrections. If a
12 defendant fails to complete the educational training required
13 by his or her sentence during the term of incarceration, the
14 Prisoner Review Board shall, as a condition of mandatory
15 supervised release, require the defendant, at his or her own
16 expense, to pursue a course of study toward a high school
17 diploma or passage of high school equivalency testing. The
18 Prisoner Review Board shall revoke the mandatory supervised
19 release of a defendant who wilfully fails to comply with this
20 subsection (j-5) upon his or her release from confinement in a
21 penal institution while serving a mandatory supervised release
22 term; however, the inability of the defendant after making a
23 good faith effort to obtain financial aid or pay for the
24 educational training shall not be deemed a wilful failure to
25 comply. The Prisoner Review Board shall recommit the defendant
26 whose mandatory supervised release term has been revoked under

1 this subsection (j-5) as provided in Section 3-3-9. This
2 subsection (j-5) does not apply to a defendant who has a high
3 school diploma or has successfully passed high school
4 equivalency testing. This subsection (j-5) does not apply to a
5 defendant who is determined by the court to be a person with a
6 developmental disability or otherwise mentally incapable of
7 completing the educational or vocational program.

8 (k) (Blank).

9 (l) (A) Except as provided in paragraph (C) of subsection
10 (l), whenever a defendant, who is an alien as defined by the
11 Immigration and Nationality Act, is convicted of any felony or
12 misdemeanor offense, the court after sentencing the defendant
13 may, upon motion of the State's Attorney, hold sentence in
14 abeyance and remand the defendant to the custody of the
15 Attorney General of the United States or his or her designated
16 agent to be deported when:

17 (1) a final order of deportation has been issued
18 against the defendant pursuant to proceedings under the
19 Immigration and Nationality Act, and

20 (2) the deportation of the defendant would not
21 deprecate the seriousness of the defendant's conduct and
22 would not be inconsistent with the ends of justice.

23 Otherwise, the defendant shall be sentenced as provided in
24 this Chapter V.

25 (B) If the defendant has already been sentenced for a
26 felony or misdemeanor offense, or has been placed on probation

1 under Section 10 of the Cannabis Control Act, Section 410 of
2 the Illinois Controlled Substances Act, or Section 70 of the
3 Methamphetamine Control and Community Protection Act, the
4 court may, upon motion of the State's Attorney to suspend the
5 sentence imposed, commit the defendant to the custody of the
6 Attorney General of the United States or his or her designated
7 agent when:

8 (1) a final order of deportation has been issued
9 against the defendant pursuant to proceedings under the
10 Immigration and Nationality Act, and

11 (2) the deportation of the defendant would not
12 deprecate the seriousness of the defendant's conduct and
13 would not be inconsistent with the ends of justice.

14 (C) This subsection (1) does not apply to offenders who are
15 subject to the provisions of paragraph (2) of subsection (a) of
16 Section 3-6-3.

17 (D) Upon motion of the State's Attorney, if a defendant
18 sentenced under this Section returns to the jurisdiction of the
19 United States, the defendant shall be recommitted to the
20 custody of the county from which he or she was sentenced.
21 Thereafter, the defendant shall be brought before the
22 sentencing court, which may impose any sentence that was
23 available under Section 5-5-3 at the time of initial
24 sentencing. In addition, the defendant shall not be eligible
25 for additional sentence credit for good conduct as provided
26 under Section 3-6-3.

1 (m) A person convicted of criminal defacement of property
2 under Section 21-1.3 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, in which the property damage exceeds
4 \$300 and the property damaged is a school building, shall be
5 ordered to perform community service that may include cleanup,
6 removal, or painting over the defacement.

7 (n) The court may sentence a person convicted of a
8 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
9 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
10 of 1961 or the Criminal Code of 2012 (i) to an impact
11 incarceration program if the person is otherwise eligible for
12 that program under Section 5-8-1.1, (ii) to community service,
13 or (iii) if the person is an addict or alcoholic, as defined in
14 the Alcoholism and Other Drug Abuse and Dependency Act, to a
15 substance or alcohol abuse program licensed under that Act.

16 (o) Whenever a person is convicted of a sex offense as
17 defined in Section 2 of the Sex Offender Registration Act, the
18 defendant's driver's license or permit shall be subject to
19 renewal on an annual basis in accordance with the provisions of
20 license renewal established by the Secretary of State.

21 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
22 99-143, eff. 7-27-15.)

23 (730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

24 Sec. 5-8-2. Extended Term.

25 (a) A judge shall not sentence an offender to a term of

1 imprisonment in excess of the maximum sentence authorized by
2 Article 4.5 of Chapter V for an offense or offenses within the
3 class of the most serious offense of which the offender was
4 convicted unless the factors in aggravation set forth in
5 Section 5-5-3.2 or clause (a)(1)(b) of Section 5-8-1 were found
6 to be present. If the pre-trial and trial proceedings were
7 conducted in compliance with subsection (c-5) of Section 111-3
8 of the Code of Criminal Procedure of 1963, the judge may
9 sentence an offender to an extended term as provided in Article
10 4.5 of Chapter V (730 ILCS 5/Ch. V, Art. 4.5).

11 (b) If the conviction was by plea, it shall appear on the
12 record that the plea was entered with the defendant's knowledge
13 that a sentence under this Section was a possibility. If it
14 does not so appear on the record, the defendant shall not be
15 subject to such a sentence unless he is first given an
16 opportunity to withdraw his plea without prejudice.

17 (c) An extended term as provided in Article 4.5 of Chapter
18 V of this Code shall not be imposed for a violation of the
19 Cannabis Control Act, the Illinois Controlled Substances Act,
20 or the Methamphetamine Control and Community Protection Act.

21 (Source: P.A. 95-1052, eff. 7-1-09; 96-1200, eff. 7-22-10.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

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3	720 ILCS 550/4	from Ch. 56 1/2, par. 704
4	720 ILCS 550/5	from Ch. 56 1/2, par. 705
5	720 ILCS 550/5.1	from Ch. 56 1/2, par. 705.1
6	720 ILCS 550/5.2	from Ch. 56 1/2, par. 705.2
7	720 ILCS 550/7	from Ch. 56 1/2, par. 707
8	720 ILCS 550/8	from Ch. 56 1/2, par. 708
9	720 ILCS 550/9 rep.	
10	720 ILCS 570/401	from Ch. 56 1/2, par. 1401
11	720 ILCS 570/401.1	from Ch. 56 1/2, par. 1401.1
12	720 ILCS 570/402	from Ch. 56 1/2, par. 1402
13	720 ILCS 570/404	from Ch. 56 1/2, par. 1404
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- 2 720 ILCS 646/45
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- 11 720 ILCS 646/60
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- 13 720 ILCS 646/100 rep.
- 14 730 ILCS 5/5-4-1 from Ch. 38, par. 1005-4-1
- 15 730 ILCS 5/5-4.5-95
- 16 730 ILCS 5/5-5-3 from Ch. 38, par. 1005-5-3
- 17 730 ILCS 5/5-8-2 from Ch. 38, par. 1005-8-2